

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JOE BENOIT MARTIN,  
AIS NO. 208789**

**Plaintiff,**

**vs.**

**STATE OF ALABAMA, DEPT. OF  
CORRECTIONS, et al.**

**Defendants.**

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**CIVIL ACTION NO. 07-335**

**ANSWER  
And  
SPECIAL REPORT**

Defendant(s) submit their Answer and Special Report as ordered by the Court.

**NAMED DEFENDANTS**

1. Commissioner Richard Allen
2. Warden Leon Forniss
3. Capt. Edward Robinson
4. Lt. Billy Pittman
5. Sgt. Marcus Sanford
6. CO Supervisor Willie Copeland

**PETITIONER'S ALLEGATIONS**

The Petitioner, an inmate in the Alabama Department of Corrections, alleges that, while he was confined at Staton Correctional Facility, defendants failed to adequately protect him from

being assaulted by inmate Robert Hardy, after two (2) incidents between the two (2) inmates.

Petitioner makes a second claim of "lack of security in said institution due to indifference and over-crowding".

Petitioner's last claim is for "failure to adhere to ADOC regulations regarding separation of known enemies".

### **ANSWER**

The Defendants assert the following defenses to the Plaintiff's claims:

1. The Defendants deny each and every material allegation contained in the Plaintiff's Complaint and demand strict proof thereof.
2. The Plaintiff's Complaint fails to state a claim upon which relief can be granted.
3. The Defendants cannot be held liable on the basis of *respondeat superior*, agency, or vicarious liability theories.
4. The Plaintiff is not entitled to any relief under 42 U.S.C. § 1983.
5. The allegations contained in the Plaintiff's Complaint against the Defendants, fail to comply with the heightened specificity requirement of Rule 8 in § 1983 cases against persons sued in their individual capacities. *See Oladeinde v. City of Birmingham*, 963 F. 2d 1481, 1485 (11<sup>th</sup> Cir. 1992); *Arnold v. Board of Education Of Escambia County*, 880 F. 2d 305, 309 (11<sup>th</sup> Cir. 1989).
6. The Defendants plead all applicable immunities, including but not limited to sovereign, qualified, absolute, discretionary function, state agent, and statutory law enforcement officer immunity.
7. All claims of the Plaintiff against these Defendants in their official capacity are barred by the Eleventh Amendment to the United States Constitution.

8. The Defendants plead the affirmative defenses of waiver, contributory negligence and assumption of the risk.
9. The Plaintiff has failed to exhaust his administrative remedies as mandated by the Prison Litigation Reform Act amendment to 42 U.S.C. § 1997e (a) and as such these claims should be dismissed.
10. The Defendants plead the affirmative defense that they are not guilty of any conduct which would justify the imposition of punitive damages against any of them and that any such award would violate the United States Constitution.
11. The Plaintiff has failed to comply with 28 U.S.C. § 1915 with respect to the requirements and limitations inmates must follow in filing in forma pauperis actions in federal court.
12. Pursuant to 28 U.S.C. § 1915 A, this court is requested to screen and dismiss this case, as soon as possible, either before or after docketing, as this case is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks money damages from the Defendants who are state officers entitled to immunity as provided for in 42 U.S.C. § 1997 (e) (c).
13. The above listed ADOC Defendants allege that the Plaintiff suffered no more than de minimus injuries, thereby barring his Eighth Amendment claim.
14. The above listed ADOC Defendants reserve the right to amend their defenses, including additional affirmative defenses, upon the receipt of information through discovery and otherwise.

#### **EVIDENTIARY SUBMISSIONS**

1. Affidavit of Annie Latimore certifying copies of the Incident Reports and Disciplinary Reports. (Exhibits 1A through 1H).

2. Affidavit of Warden III Leon Forniss. (Exhibit 2)
3. Affidavit of Captain Edward Robinson. (Exhibit 3)
4. Affidavit of CO Supervisor Willie Copeland. (Exhibit 4)
5. Affidavit of Lt. Billy Pittman. (Exhibit 5)
6. Affidavit Sgt. Marcus Sanford. (Exhibit 6)

### **INVESTIGATION RESULTS**

As the Warden III for Staton, defendant Leon Forniss only had institutional management involvement with the inmates involved in this law suit. Warden Forniss' only involvement was to review\approve the inmate incident reports and\or disciplinary reports. (Exhibit 2)

The reports revealed that on February 2, 2007, petitioner Martin was assaulted in his bunk, while asleep, by inmates Simmons and Hardy. Both Simmons and Hardy were placed in single cells pending investigation. Disciplinary actions were initiated against both attackers. (Exhibit 2) All three inmates involved subsequently signed an "Inmate Living Agreement", stating they could live together in the institution peacefully, without any violence between them.

Warden Forniss reports further that there was a second incident between Martin and Hardy in the chow hall on March 27, 2007. It was determined that the "assault" by Hardy consisted of Hardy throwing his glass of juice in the face of petitioner Martin. (Exhibit 2)

As policy requires, Hardy was placed in a single cell pending investigation, and petitioner was permitted to return to his assigned bed in the population. Hardy remained in the single cell while an enemies validation investigation was conducted on Petitioner and Hardy. Appropriate incident reports and disciplinary actions were initiated against Hardy. (Exhibit 2).

It was not until April 25, 2007, that petitioner ever expressed any "fear of harm" sentiments to anyone. Martin told defendant Lt. Willie Copeland that he feared bodily harm at

Staton. For his own safety, petitioner was placed in a single cell pending transferring him to another institution. Two (2) days later, petitioner was transferred to Kilby Correctional Facility.

Defendant Captain Edward Robinson states that his only involvement was as the reviewing officer on the February 2, 2007 incident report and as the approving authority on the March 27, 2007 incident report. (Exhibit 3)

Defendant CO Supervisor Willie Copeland testifies that all appropriate corrective and safety actions were taken after both incidents involving Hardy and/or Simmons. All Administrative Regulations were followed, and Hardy was immediately placed in a single cell for the safety of petitioner. Copeland confirms that after the first incident, all three inmates involved voluntarily entered into an Inmate Living Agreement. (Exhibit 4)

Lt. Billy Pittman is the 3<sup>rd</sup> shift supervisor. He had no involvement with the first incident on February 2, 2007 incident. However, he states in his affidavit that he was the investigating officer on the March 27, 2007 incident which occurred in the breakfast chow hall. Both inmates were charged with Fighting Without A Weapon. Hardy was found guilty and received punishment, while petitioner was found Not Guilty.

Lt. Pittman states that he exercised his best judgment in handling the incident and the inmates involved, strictly in accordance with ADOC Administrative Regulations. (Exhibit 5)

Defendant Sgt. Marcus Sanford states in his affidavit that his only involvement was to complete the Inmate Detention Notification Form placing inmate Hardy in a single cell. He later served as the disciplinary hearing officer, finding petitioner "not guilty" of "fighting without a weapon". (Exhibit 6)

### **ARGUMENT**

The Plaintiff does not, with any specificity, allege any actions or inaction on the part of

these Defendants which would subject them to liability under 42 U.S.C. Section 1983. He has failed to demonstrate any set of facts which rise to the level of a constitutional deprivation.

### **RESPONDEAT SUPERIOR**

Inmate Martins' complaint itself, recognizes that the duties of these defendants were those of a supervisory nature, only. Martin makes only broad, self-serving, unsubstantiated allegations of wrong against each named defendant but he fails completely in his obligation to make specific allegations of specific acts or omissions against each defendant, which he claims violates his constitutional rights. If at all, this claim is based upon the theory of *respondeat superior*, which is unavailable under Section 1983. *Farrow v. West* 320 F3d. 1235 (11th Cir. 2003).

### **DELIBERATE INDIFFERENCE**

In order to succeed on a claim of deliberate indifference or "failure to protect", under the Eighth Amendment, petitioner must first prove that the situation was, objectively, sufficiently serious, and that the Defendant(s) acted with sufficiently culpable state of mind so as to constitute deliberate indifference to an inmates' health or safety, by acting or failing to act despite knowledge of such substantial risk of serious harm. *Stephens v. Johnson* 83 F3d. 198 (8<sup>th</sup> Cir. 1995).

A negligent act or omission will not support a claim under Section 1983. *Ray v. Foltz* 2004 WL 1144698 (11th Cir. May 24, 2004). See also *Taylor v. Ledbetter*, 818 F2d. 791, 794 (11th Cir. 1987).

The Supreme Court, in the case of *Wilson v. Seiter*, 501 U.S. 294 (1991) at 301-05, in discussing the "deliberate indifference" standard, stated that prison officials mere negligence does not equal deliberate indifference.

See also *Riccardo v. Rausch*, 375 F.3<sup>rd</sup> 521, 525-27, which holds that a prison officials'

failure to alleviate a significant safety risk did not rise to the level of deliberate indifference. The Riccardo court held that even if a jury could conclude that the official should have known of the risk, "reasonableness" is a negligence standard, and negligence does not give rise to an 8<sup>th</sup> Amendment claim.

After the first incident on February 2, 2007, all three inmates voluntarily entered into a living agreement, in which they all agreed to live peacefully with each other in the institution. If Martin had "feared" for himself at that time, why didn't he tell someone instead of entering into the living agreement? Simply, because he was not fearful. But even if he was, defendants are not required to be able to read his mind, if he does not speak up.

The undisputed facts in this case are that Martin did not complain to anyone that he was in fear of danger to himself until after the drink throwing incident in the breakfast chow hall on March 25, 2007. As soon as he told Lt. Copeland on April 25, 2007 of his fears of staying at Staton, immediate and decisive actions were initiated to place Martin in a secure single cell until he could be transferred to a facility that was safer for him. A mere two (2) days later, he was transferred to Kilby which has more secure single cells and where he was away from Inmates Simmons and Hardy.

### **SOVEREIGN IMMUNITY**

#### **(1983 CLAIMS)**

Petitioner Martins' suit names the Alabama Department of Corrections and six of the Departments officers and employees as defendants. Martin names each corrections officer only by his official rank\position, never making any allegations against any defendant in his individual capacity. Therefore, all claims against all defendants are due to dismissed, as a matter of law, due to lack of subject matter jurisdiction.



Claims against the State of Alabama and its agencies, officers and agents, under Section 1983, are barred by the 11<sup>th</sup> Amendment to the United States Constitution. Free v. Granger, 887 F.2d 1552, 1557 (11<sup>th</sup> Cir. 1989); see also Dean v. Barber, 951 F.2d 1210, 1215 (11<sup>th</sup> Cir. 1992).

Plaintiff's federal claims (as well as any state pendente claims) under 42 U.S.C., Section 1983 against these defendants in their official capacity, are barred by the 11<sup>th</sup> Amendment to the United States Constitution. The 11<sup>th</sup> Amendment to the U.S. Constitution bars the federal court from exercising jurisdiction over states. Ex Parte Young, 209 U.S. 123.

The 11<sup>th</sup> Amendment to the Constitution of the United States of America bars any claims, including any and all pendente state law claims, against a state or its officials in the absence of the consent of the state. See Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 99-100 (1984) (wherein the Supreme Court of the United States held that the 11<sup>th</sup> Amendment barred any and all state law claims brought in U.S. District Court under pendente jurisdiction, as well as under Section 1983.) Inmate Martin has failed to allege, and he offers no evidence whatsoever that there has been a waiver of the State of Alabama's 11<sup>th</sup> Amendment immunity in this case. Therefore, plaintiff's claims against these defendants in their official capacity, are all barred for lack of subject matter jurisdiction.

#### **STATE LAW IMMUNITY**

Article I, Section 14, Constitution of Alabama 1901, provides that the "State of Alabama shall never be made a defendant in any court of law or equity". The longstanding principle of state sovereign immunity, which is written in to Alabama's Constitution, holds very clearly that the state and its agencies, have absolute immunity from suit in any court. Ex Parte Franklin County Dept. of Human Resources, 674 So.2d 1277, 1279 (Ala. 1996).

In the 2001 case of Larkins v. Dept. of Mental Health, 806 So.2d 358, 363 (Ala. 2001), the



Alabama Supreme Court, citing Druid City Hospital Board v. Epperson, 378 So.2d 696 (Ala. 1979), said “recently, this court restated the long settled principle concerning the immunity of the State of Alabama from suit in the precedent firmly supported by the doctrine of stare decisis, which holds that an action which is contrary to the state’s immunity is an action over which the courts of this state lack subject matter jurisdiction”. “And its immunity cannot be waived by the Legislature or by any other State authority.”

The State of Alabama and all of its services must operate through its agencies, officers and employees. The courts are firm in their holdings that state agencies, officers and employees are absolutely immune from tort liability. Rutledge v. Baldwin Co. Commission, 495 So.2d 49 (Ala. 1986).

The State of Alabama, its agencies, officers and employees, in their official capacities and individually, are absolutely immune from suit. These defendants, as officers, employees and agents of the Alabama Department of Corrections, are entitled to invoke sovereign immunity from suit.. See Destafney v. University of Alabama, 413 So.2d 391 (Ala. 1981).

### **CONCLUSION AND RESERVATION OF DEFENSES**

Petitioner Martin completely fails to allege and prove any set of facts which rise to the level of a constitutional violation. For the reasons set out above, these defendants argue that all claims against them are due to be dismissed as a matter of law.

Martin’s entire lawsuit is against the State of Alabama Department of Corrections, and six corrections officers of the Department. Defendants take the position that petitioner makes no claims against any defendants in their individual capacity, and therefore, all defendants are entitled to absolute sovereign immunity. However, if the court deems that petitioners’ complaint should be taken as asserting claims against the named defendants in their individual capacities, these

defendants respectfully reserve the right to amend and supplement their Special Report to assert and argue those defenses that would be applicable to claims against a state officer in their individual capacity.

Respectfully submitted:

KIM T. THOMAS (THO115)  
GENERAL COUNSEL

/s/ Neal P. Conner

Neal P. Conner, Assistant General Counsel  
CONNN2024  
Attorney for Alabama Department  
of Corrections

**ADDRESS OF COUNSEL:**

Neal P. Conner, Counsel  
Alabama Department of Corrections  
Legal Division  
301 South Ripley Street  
Montgomery, Alabama 36130  
(334) 353-3890  
(334) 353-3891 FAX

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon the below listed individual  
by U.S. Mail, postage prepaid, this the 11th day of June, 2007.

Joe Benoit Martin, AIS #208789  
Staton Correctional Facility  
Post Office Box 56  
Elmore, AL 36025

/s/ Neal P. Conner  
Neal P. Conner

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE BENOIT MARTIN, #208789

Plaintiff,

v.

STATE OF ALABAMA DEPT OF  
CORRECTIONS, et.al.,

Defendants

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**AFFIDAVIT**

**State of Alabama :**

**Elmore County :**

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Annie Latimore, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Annie Latimore. I hereby certify and affirm that I am the Alternate Custodian of Records at Staton Correctional Facility, P. O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and am competent to testify to the matters stated herein.

The attached *State of Alabama, Department of Corrections Institutional Incident Report* number SCF-07-0093 consisting of nine pages, *Alabama Department of Corrections, Disciplinary Reports* number SCF-07-0093 consisting of 3, 4, and 4 pages

EXHIBIT 1-A

respectively, ***State Of Alabama, Department of Corrections Institutional Incident Report*** number SCF-07-0279 consisting of seven pages, and ***Alabama Department of Corrections, Disciplinary Reports*** number SCF-07-0279 consisting of 10 and 3 pages are true, and exact and correct photocopies of documents maintained here in the institutional files.

I further certify and affirm that said documents are maintained in the usual and ordinary course of business at Staton Correctional Facility and that said documents and entries therein were made reasonably near the time that such acts, events and transactions referred to therein are said to have occurred.

Annie Latimore  
ANNIE LATIMORE

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

[Signature]  
NOTARY PUBLIC

4-10-2010  
My Commission Expires:



STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

## INCIDENT REPORT

1. Institution: <b>Staton Correctional Facility</b>		2. Date: <b>3-27-2007</b>		3. Time: <b>3:10 AM</b>		4. Incident Number: <b>SCF 07-0279</b>		Class Code: <b>C</b>	
5. Location Where Incident Occurred: <b>Dinning Hall</b>						6. Type of Incident: <b>Fighting Without A Weapon</b>			
7. Time Incident Reported: <b>3:10 AM</b>						8. Who Received Report: <b>Captain George Edwards</b>			
9. Victims:									
Name					AIS				
a. _____					No. _____				
b. _____					No. _____				
c. _____					No. _____				
10. Suspects:									
Name					AIS				
a. <b>Joe Martin</b>					No. <b>W/M 208789</b>				
b. <b>Robert Hardy</b>					No. <b>W/M 176046</b>				
c. _____					No. _____				
d. _____					No. _____				
e. _____					No. _____				
11. Witnesses:									
Name					AIS				
a. <b>N/A</b>					No. <b>N/A</b>				
b. _____					No. _____				
c. _____					No. _____				
d. _____					No. _____				
e. _____					No. _____				
f. _____					No. _____				
g. _____					No. _____				
<b>PHYSICAL EVIDENCE:</b>									
12. Type of Evidence:									
<b>N/A</b>									
13. Description of Evidence:									
<b>N/A</b>									
14. Chain of Evidence:									
a. <b>N/A</b>									
b. _____									
c. _____									
d. _____									
e. _____									
15. Narrative Summary:									
<p>On 3-27-2007 Lt. Billy Pittman was assigned as Third Shift Commander. Lt. Pittman responded to a Code Blue in the dinning hall at approximately 3:10 a.m. . After arriving in the dinning hall Lt. Pittman observed Officers' Jeffery Washington and Roderick Underwood with inmates Joe Martin W/M 208789 assigned to B-1-18A and Robert Hardy W/M 176046 assigned to D-3-4B being held at bay from one another. Both inmates had visible signs of having been in some type of physical struggle. Lt. Pittman instructed Officer Washington to escort inmate Martin to the Shift Commanders Office while Officer Underwood placed handcuffs on inmate Hardy. After inmate Hardy had been handcuffed Officer Underwood along with Lt. Pittman escorted inmate Hardy to the Shift Office. Lt. Pittman questioned both inmates as to what caused the two to begin fighting. Both stated that the fight began after inmate Hardy turned and asked inmate Martin to stop talking about him (Hardy). Inmate Martin stated he was talking to inmate Terry Bolin about an inmate that had transferred away from Staton on 3-25-07. Inmate Hardy states inmate Martin and he had been involved in an altercation in February and inmate Hardy received a disciplinary on 2-3-07 for violation of rule # 31 Assault on Another Inmate. Inmate Hardy and inmate Charles Simmons B/M 191397 assaulted inmate Martin in B-Dormitory on 2-2-07.</p>									

Distribution: ORIGINAL AND ONE (1) COPY to Central I & I Division  
File COPY to Central Records Office

COPY to Deputy Commissioner of Operations (Class A and B ONLY) COPY to Institutional

EXHIBIT 1-B



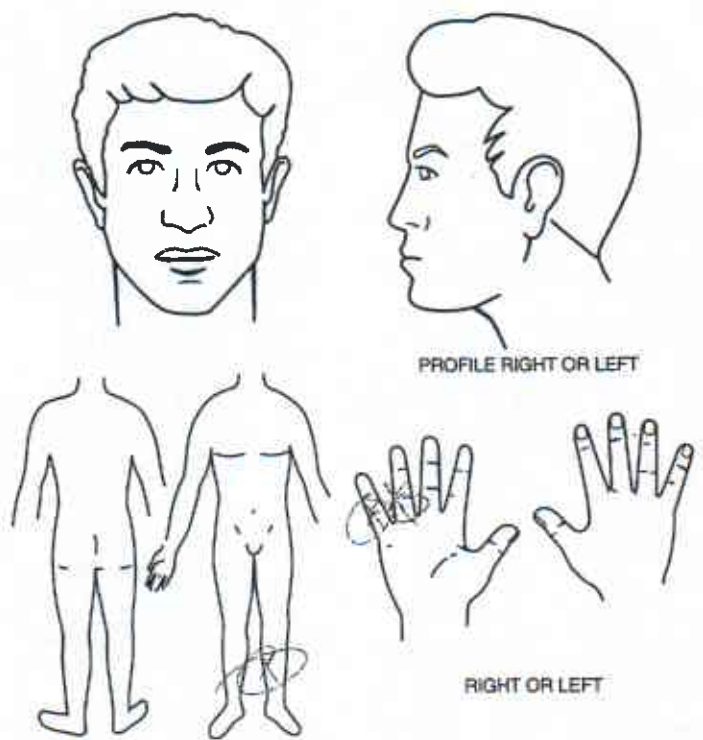
Narrative Summary (Continued) Page No.

Inmates Hardy and Martin were escorted to Staton's Health Care Unit where they received Body Charts. (See attached).  
Inmate Hardy was placed into Holding Unit Cell # 2A pending disciplinary action for violation of rule # 35 Fighting  
Without A Weapon. Inmate Martin was released back to his assigned bed pending disciplinary action for violation of rule #  
35 as well. Inmate Martin was released to his assigned bed due to their not being a bed available in the Holding Unit in  
which to detain him (Martin). End of report.

  
Lt. Billy Pittman

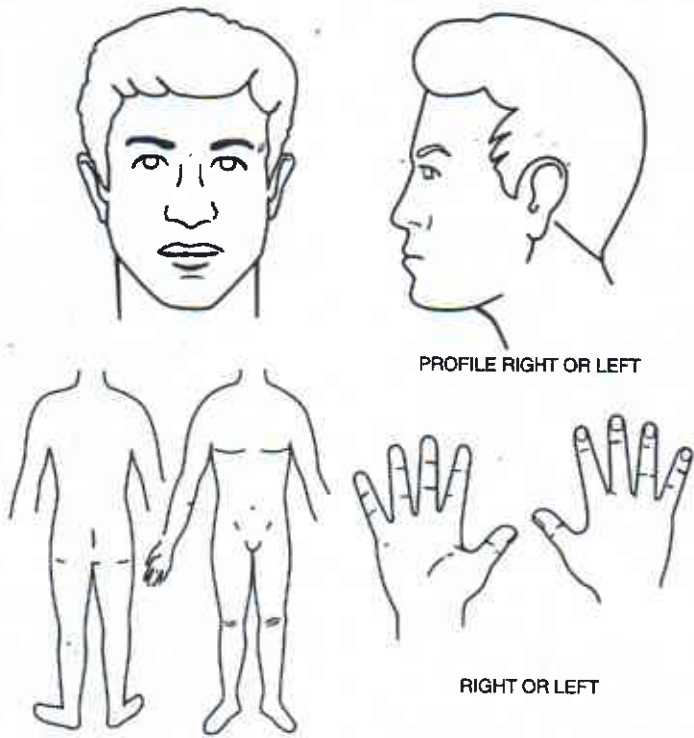


# EMERGENCY

ADMISSION DATE <b>3/27/07</b>		TIME <b>2:45</b> AM PM	ORIGINATING FACILITY <b>SCC</b> <input type="checkbox"/> SIR <input type="checkbox"/> PDL <input type="checkbox"/> ESCAPEE <input type="checkbox"/>		<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT	
ALLERGIES <b>NKA</b>			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA			
VITAL SIGNS: TEMP <b>97</b>		ORAL RECTAL	RESP. <b>18</b>	PULSE <b>71</b>	B/P <b>110/62</b>	RECHECK IF SYSTOLIC <100> 50
NATURE OF INJURY OR ILLNESS <b>Body chart requested for WCC. I got in a fight!</b>			ABRASION /// CONTUSION # BURN <sup>xx</sup> / <sub>xx</sub> FRACTURE <sup>Z</sup> / <sub>Z</sub> LACERATION / SUTURES			
						
			PROFILE RIGHT OR LEFT			
			RIGHT OR LEFT			
			ORDERS / MEDICATIONS / IV FLUIDS			
PHYSICAL EXAMINATION <b>Brought to JACO by Officer Mello, West 30 Me. 9 3. Repted approx. 1/2 in. 1 to left and right shoulder. 3 in. at upper part of left arm. and 1 of lower leg. (M. 1 in. 1 meat 4th and 5th nail hand). No acute tenderness. H) All in skin integrity D) HCP 10/10/07</b>			TIME BY			
DIAGNOSIS			INSTRUCTIONS TO PATIENT			
DISCHARGE DATE <b>3/27/07</b>		TIME <b>2:45</b> AM PM	RELEASE / TRANSFERRED TO <b>DOC</b> <input type="checkbox"/> AMBULANCE <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL		CONDITION ON DISCHARGE	
NURSE'S SIGNATURE <b>[Signature]</b>		DATE <b>3/27/07</b>	PHYSICIAN'S SIGNATURE <b>[Signature]</b>		CONSULTATION	
INMATE NAME (LAST, FIRST, MIDDLE) <b>Harry Robert</b>			DOC# <b>176046</b>	DOB <b>10/25/75</b>	R/S <b>10/1/01</b>	FAC. <b>SCC</b>



## EMERGENCY

ADMISSION DATE 3/27/07 0341		TIME AM PM	ORIGINATING FACILITY <input type="checkbox"/> SIR <input type="checkbox"/> PDL <input type="checkbox"/> ESCAPEE <input type="checkbox"/>		<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT																									
ALLERGIES NDA			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA																											
VITAL SIGNS: TEMP 97.8		ORAL RECTAL	RESP. 20	PULSE 102	B/P /	RECHECK IF SYSTOLIC <100> 50																								
NATURE OF INJURY OR ILLNESS  S "A man forced on me in the kitchen for no reason and we started fighting."			<div>ABRASION /// CONTUSION # BURN xx xx FRACTURE Z Z LACERATION / SUTURES</div> <div><p>PROFILE RIGHT OR LEFT</p><p>RIGHT OR LEFT</p></div>																											
PHYSICAL EXAMINATION  this time. O2 Sat - 97%  A - Appears to be fine (DOC Body chart)  P - Return to Doc.			<div>ORDERS / MEDICATIONS / IV FLUIDS</div> <table border="1"><thead><tr><th></th><th>TIME</th><th>BY</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>					TIME	BY																					
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NURSE'S SIGNATURE H9-98		DATE 3/27/07	PHYSICIAN'S SIGNATURE		DATE																									
INMATE NAME (LAST, FIRST, MIDDLE) MARTIN JOE			DOC# 208789		DOB 7/27/57	R/S W/M																								
					FAC. SEC																									

INSTITUTION: State Correctional FacilityINMATE Hardy, Robert B/m 176046 DATE Mar/27/07

- |                                                                                      |                                                                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1. BIBLE (1)                                     | <input checked="" type="checkbox"/> 9. TENNIS SHOES - WHITE (1 pr.) <u>Nike</u>                                   |
| <input checked="" type="checkbox"/> 2. STATIONARY/STAMPS                             | <input checked="" type="checkbox"/> 10. SHOWER SHOES (1 pr.)                                                      |
| <input type="checkbox"/> 3. PENCIL (1)                                               | <input type="checkbox"/> 11. RELIGIOUS NECKLACE (1) - \$25.00 VALUE OR LESS                                       |
| <input checked="" type="checkbox"/> 4. SOCKS - WHITE (6 pr.)                         | <input type="checkbox"/> 12. WALLET (1)                                                                           |
| <input checked="" type="checkbox"/> 5. UNDERSHIRTS/UNDERWEAR - WHITE (6)             | <input type="checkbox"/> 13. WRIST WATCH (1) - \$25.00 VALUE OR LESS                                              |
| <input checked="" type="checkbox"/> 6. HANDKERCHIEFS (6)                             | <input type="checkbox"/> 14. WEDDING BAND (1) - \$50.00 VALUE OR LESS                                             |
| <input checked="" type="checkbox"/> 7. TOILET ARTICLES - CLEAR, NON-GLASS CONTAINERS | <input type="checkbox"/> 15. RADIO — EARPHONES (1 ea.) - PURCHASED FROM CANTEEN                                   |
| <input checked="" type="checkbox"/> 8. LEGAL PAPERS                                  | <input checked="" type="checkbox"/> 16. BOOKS (3) - RELIGIOUS, LEGAL OR EDUCATIONAL (APPROVAL BY WARDEN REQUIRED) |

**DECLARATION OF VALUE**

I UNDERSTAND THAT RELIGIOUS NECKLACES OR WRIST WATCHES VALUED AT MORE THAN \$25.00, AND WEDDING BANDS VALUED AT MORE THAN \$50.00 ARE UNAUTHORIZED AND MUST BE SENT HOME AT MY EXPENSE WITHIN THIRTY (30) DAYS OR IT WILL BE DONATED TO CHARITY OR DESTROYED. I HEREBY DECLARE THE VALUE OF MY PERSONAL PROPERTY TO BE:

RELIGIOUS NECKLACE \$        WRIST WATCH \$        WEDDING BAND \$       

(INMATE SIGNATURE)

(WITNESS)

**PROPERTY STORED IN THE RECEIVING AREA:**

YOU HAVE THIRTY (30) CALENDAR DAYS FROM THE ABOVE DATE TO DISPOSE OF THE FOLLOWING ITEMS. YOU MAY SEND THE BELOW ITEMS HOME BY VISITORS, MAIL THE ITEMS HOME AT YOUR EXPENSE, OR DONATE THE ITEMS TO CHARITY. IF THESE ITEMS ARE NOT REMOVED IN THIRTY (30) DAYS, THEY WILL BE DESTROYED. BELOW ARE THE ITEMS YOU ARE NOT AUTHORIZED TO KEEP.

1 I.D. Card	1 picture book	3 towel/faces
1 Key and lock	2 box of envelopes	1 legal pad
Deodorant	2 razor	1 Sweat shirt.
1 Soap dish	1 Blue	1 Nike old
Soap	1 laundry bag	1 State belt
1 lotion	1 Shampoo	2 set of white
1 toothpaste	Pens	
1 toothbrush	3 set of state white	
1 Dictionary	2 sock	

X Robert Hardy  
(INMATE SIGNATURE)

176046

B. Alamo  
(WITNESS)

(See reverse side for instructions)

**STATON CORRECTIONAL FACILITY  
CELL BLOCK INSPECTION SHEET**

TIME: 5:03 AM DATE: 3/27/07INMATE: Robert Hardy w/m AIS #: 176046 CELL #: 2AINSPECTING OFFICER'S SIGNATURE: Officer B. ColemanWALLS: OK Writing on wallFLOORS: OKBED: OKCOMMODE: OKLAVATORY: OKOTHER ITEMS: OKI certify that my cell 2A has been inspected by Officer B. Coleman

on the 27 day of March 2007, and the above noted defects were found.  
I am responsible for keeping my cell in the same condition outlined.

X Robert Hardy  
INMATE'S SIGNATURE

I certify that I have explained the rules and regulations to the above named inmate and have completely searched the cell for any contraband and there was no contraband found on this date:

Mar/27/07

DATE AND TIME CELL WAS SEARCHED

B. Coleman  
Officer's Signature

<input checked="" type="checkbox"/> Blanket	<input checked="" type="checkbox"/> Toothbrush
<input checked="" type="checkbox"/> Sheets	<input checked="" type="checkbox"/> Tube of Toothpaste
<input checked="" type="checkbox"/> Pair Socks	<input checked="" type="checkbox"/> Comb
<input checked="" type="checkbox"/> Pair of Shoes	<input checked="" type="checkbox"/> Wash Cloth
<input checked="" type="checkbox"/> Under Shorts	<input checked="" type="checkbox"/> Bar of Soap
<input checked="" type="checkbox"/> Under Shirt	<input checked="" type="checkbox"/> Towel
<input checked="" type="checkbox"/> Pillow	<input checked="" type="checkbox"/> Shirt
<input checked="" type="checkbox"/> Pillow Case	<input checked="" type="checkbox"/> Pants
<input checked="" type="checkbox"/> Mattress	<input checked="" type="checkbox"/> Jacket (weather detates)

Issuing Officer: Brian ColemanProcessing Officer: Brian Coleman



STATON CORRECTIOAL FACILITY  
INMATE DETENTION NOTIFICATION

FROM: Sgt. Marcus Sanford TEAM LEADER

TO: INMATE Robert Hardy AIS# 176046 DOB: 10/25/78

REF: ADMINISTRATIVE SEGREGATION

You are placed in Administrative Segregation for:

R.V. #35 Fighting without A Weapon

Circumstances are as follows (be specific):

ON March 27, 2007 at approximately 3:10 am inmate Robert Hardy w/m 176046  
was involved in an altercation with inmate Joe Martin w/m 208789  
in Staton Kitchen.

This is authorized by Capt. George Edwards this 27 day of March  
Your confinement in Segregation is for a period of not more than seventy-two (72) hours. Prior to 72 hours  
confinement, you will be released, served a PR (Progress Review), disciplinary notice or extended.  
Extensions must be authorized by the Assistant Warden for further investigation time when justified. The 72  
hour confinement excludes weekends and holidays. You may also be confined in Segregation by order of  
I & I for investigation, criminal prosecution, etc.

While in Administrative Segregation, you will be seen by the Shift Supervisor, a nurse, and officer's daily.  
You will be seen by a medical doctor upon request from the nurse. You will not be permitted television (No  
exceptions) personal newspapers, books, or magazines. You will be given a verbal and written orientation  
concerning policy and procedures of the Segregation Unit at the time you enter the Unit. You will be  
provided a healthy environment and personal hygiene items (soap, towel, comb, toothbrush and face cloth).  
You are not allowed to keep personal items. Clothing and bedding will be issued by the Segregation Unit.  
Reading materials allowed are one (1) religious book, one (1) additional book or magazine from the  
Institutional Library and one (1) Alcohol Anonymous and/or Narcotic Anonymous book. You may receive  
one (1) visit per month by person(s) on your approved visiting list. Request for visits must be sent to the  
Assistant Warden. You will be permitted one (1) phone call per month by request to the Assistance Warden.  
Canteen privileges will be authorized on a limited basis. Your signature below indicates that you have  
collected and secured all of your property from population, and acknowledge receipt of the detention notice

INMATE SIGNATURE: X Robert Hardy 176046 AIS # 176046

DATE: 3/27/07 TIME: 5:00 Am

WITNESS: R. Calico

\* Inmate's property has been collected and placed into the custody of the Segregation Unit.



ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Robert Hardy Custody: Medium AIS: 176046
2. Facility: Staton Correctional Facility
3. The above named inmate is being charged by Lt. Billy Pittman with violation of rule number 35 specifically Fighting without A Weapon from regulation # 403 which occurred on or about March 27, 2007 at Approximately 3:10 (am), Location: Dinning Hall A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On 3-27-2007, at approximately 3:10 a.m. Inmate Robert Hardy W/M 176046, was involved in an altercation inside Staton dinning hall with Inmate Joe Martin W/M 208789. This puts Inmate Hardy in violation of rule # 35, Fighting Without A Weapon.

3-29-2007  
Date

Lt. Billy Pittman  
Arresting Officer / Signature / Rank

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 30 day of MARCH, 2007, at (time) 4:54 (am/pm).

Roderick Underwood CO  
Serving Officer / Signature / Rank

Robert Hardy 176046  
Inmate's Signature / AIS Number

6. Witnesses desired? NO Robert Hardy YES \_\_\_\_\_  
Inmate's Signature Inmate's Signature

7. If yes, list: \_\_\_\_\_

8. Hearing Date 4-8-07 Time 3:05 AM Place Staton Shift Office

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (is) is not) capable of representing himself.

Marcus [Signature] Capt Sgt  
Signature / Hearing Officer

11. Plea: \_\_\_\_\_ Not Guilty Robert Hardy Guilty 176046

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Marcus [Signature] Capt Sgt  
Signature / Hearing Officer

Restriction End: 5/17/2007  
old date: 4/18/2007  
30 days CEW  
ENTERED

13. Arresting Officer's testimony (at the hearing): On 3-27-2007, at approximately 3:10 A.M. Inmate Robert Hardy W/M 176046, was involved in an altercation inside Staton's dining hall with Inmate Joe Martin W/M 208789.

14. Inmate's Testimony: "I'm guilty."

Witness: N/A

Substance of Testimony: \_\_\_\_\_

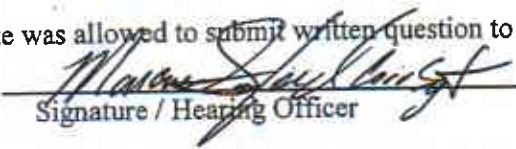
Witness: N/A

Substance of Testimony: \_\_\_\_\_

Witness: N/A

Substance of Testimony: \_\_\_\_\_

15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

  
Signature / Hearing Officer

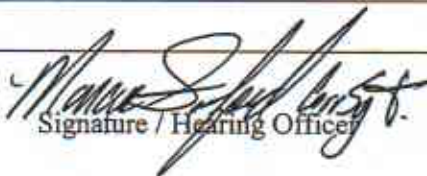
16. The following witnesses were not called - Reason not called

1. N/A

2. \_\_\_\_\_

3. \_\_\_\_\_

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
The Hearing Officer finds that: On 3-27-2007, at approximately 3:10 a.m. Inmate Robert Hardy W/M176046 was involved in an altercation inside Staton's dining hall with Inmate Joe Martin W/M208789. This puts Inmate Hardy in violation of rule #35, Fighting without a weapon.
18. Basis for Finding of Fact: The Hearing Officer accepts the sworn statement of the arresting officer. The Arresting officer stated that Inmate Robert Hardy W/M 176046, was involved in an altercation with Inmate Joe Martin W/M 208789 inside Staton's dining hall on ALDOC Form 225-B; also, Inmate Hardy Plead guilty to the listed disciplinary charge and his guilty plea was accepted by the hearing officer.
19. Hearing Officer's Decision: XXX Guilty        Not Guilty
20. Recommendation of Hearing Officer: The loss of thirty days store and visitation privileges.

  
Signature / Hearing Officer

Marcus Sanford Correctional Sergeant  
Typed Name and Title

21. Warden's Action - Date 4/11/07  
Approved Edward J. Robinson COSTH  
Disapproved         
Other (specify)
22. Reason if more then 30 calendar days delay in action.
23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above  
Named inmate on this the 13 day of April 2007 at (time) 11:02 (am / pm).  
Arnell L. Lattimore CO Robert Hardy 176046  
Signature / Serving Officer / Title Inmate's Signature and AIS Number



ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Joe Martin Custody: Medium AIS: 208789
2. Facility: Staton Correctional Facility
3. The above named inmate is being charged by Lt. Billy Pittman with violation of rule number 35 specifically Fighting without A Weapon from regulation # 403 which occurred on or about March 27, 2007 at Approximately 3:10 (am), Location: Dinning Hall A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On 3-27-2007, at approximately 3:10 a.m. Inmate Joe Martin W/M 208789 was involved in an altercation inside Staton dinning hall with Inmate Robert Hardy W/M 176046. This puts Inmate Martin in violation of rule # 35, Fighting Without A Weapon.

3-29-07  
Date

24. B. [Signature]  
Arresting Officer / Signature / Rank

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 30 day of MARCH, 2007, at (time) 4:48 (am/pm).

Roderick Underwood CO  
Serving Officer / Signature / Rank

REFUSED To Sign RU  
Inmate's Signature / AIS Number

6. Witnesses desired? NO [Signature] YES [Signature]  
Inmate's Signature Inmate's Signature

7. If yes, list: Terry Bowling GERALD WHITE  
OFF. WASHINGTON

8. Hearing Date 4-8-07 Time 3:53AM Place Staton Shift Office

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate ☒ is/is not capable of representing himself.

[Signature]  
Signature / Hearing Officer

11. Plea: [Signature] 208789 Not Guilty [Signature] Guilty

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

[Signature]  
Signature / Hearing Officer

**NOT GUILTY**

13. Arresting Officer's testimony (at the hearing): On 3/27/2007, at approximately 3:10am, inmate Joe Martin, W/M 208789, was involved in a physical altercation inside Staton's dining hall with inmate Robert Hardy, W/M 176046.

14. Inmate's Testimony: (See attached statement)

Witness: Terry Bowling, W/167058 Substance of Testimony: "We were talking and Hardy assumed we were talking about him. He got mad and threw a glass with juice on us".

Witness: Gerald Wright, B/192472 Substance of Testimony: "The young boy hit inmate Martin and threw juice and the cup in his face".

Witness: CO Jeffery Washington Substance of Testimony: "When I came in, I saw inmate Hardy throw a cup with juice in inmate Martin's face".


15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

  
Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. <u>N/A</u>	<u>N/A</u>
2. <u>N/A</u>	<u>N/A</u>
3. <u>N/A</u>	<u>N/A</u>

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
The Hearing Officer finds that: On 3/27/07, at approximately 3:10am, Inmate Joe Martin was involved in a physical altercation inside Staton's dining hall with inmate Robert Hardy, W176046. After hearing the facts, the Hearing Officer finds the defendant was defending himself.
18. Basis for Finding of Fact: The Hearing Officer accepts the sworn statements and testimony of the defendant. The basis for findings shows that inmate Martin was defending himself.
19. Hearing Officer's Decision:            Guilty XX Not Guilty
20. Recommendation of Hearing Officer: N/A

  
Signature / Hearing Officer

**Marcus Sanford, Correctional Sergeant**  
Typed Name and Title

21. Warden's Action - Date 4/11/07  
Approved Edward J. Robinson COST  
Disapproved \_\_\_\_\_  
Other (specify) \_\_\_\_\_
22. Reason if more then 30 calendar days delay in action. \_\_\_\_\_
23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above  
Named inmate on this the 13 day of April 2007 at (time) 11:04 (am / pm).  
Amir L. Lewis CO Joe B. Nash  
Signature / Serving Officer / Title Inmate's Signature and AIS Number



Joe B Martin 208789

On March 27 2007. I was having breakfast with inmate Terry Bowling From B-Dorm. When Robert Hardy came into the dining hall from another dorm that had not been let out for chow. He sat down at the table next to mine so that he was facing me. As soon as he sat down he began a verbal assault on me. Accusing me of talking about him. I told him me and Terry Bowling were discussing another inmate who transferred the night before. That I didn't say anything about him. That he should eat his breakfast and not worry about it. Then he said something about me being a snitch for telling Officer McQueen he was not authorized to be in our dorm. He stood up and said he would whip every fuck boy at the table. Then he threw a glass and hit me with it then he threw a punch at me. Only then did I stand up to try to stop his assault until officers could come get him off me. When the officers got there he was on top of me trying to hit me about my face. The officers told him to stop fighting, he did not stop until officer Washington threatened him with his baton and pulled Robert Hardy up off me.

Continued Next Page



## Continued Statement

Under the 403 regulation Self defence is not engaging in a fight all I was doing was trying to keep Robert Hardy from doing bodily harm to me until the Officers arrived.

Therefore I am not guilty of violating Rule #35 Fighting without a weapon from regulation #403.

I would like the record to reflect that L.T. Copeland told me and signed his name to my copy of the disciplinary report to be a witness I asked L.T. Pittman and Sgt. Sanford for him to be added to my witness list. Because his testimony was relevant to the outcome of my guilt or innocence L.T. Pittman and Sgt. Sanford refused my request.

There are also mitigating circumstances in this case.

Because of lack of Officers, overcrowding in prisons, officers working 16 hour shifts and no officer in the dining hall at the time of the attack on me. And nothing being done about the situation that the D.O.C. officers had knowledge to before hand, this would of never happened Creates a security risk at ~~Eastern~~ Staton Correctional Facility. I was attacked by Robert Hardy and another inmate on Feb. 2, 2000 I signed a living agreement that day. Robert Hardy and the other inmate were

Continued next page



## Continued Statement

Put in lock up and released 2½ days later. Robert Hardy verbally Broke this agreement by trying to start a altercation on or about Feb 12, 2007. Robert Hardy has been escorted out of B-Dorm on several occasions but no action was taken for being in a unauthorized area.

I went to the shift office in person and reported this to LT. Copeland. After Robert Hardy was in the dorm again a couple of days later I wrote a request about this to Capt. Edwards still nothing was done. D.O.C. officials allowed this second attack on me, where I had no choice but to defend myself from harm until officers could pull Robert Hardy off me. Even after this attack still nothing was done. Robert Hardy went to lock up only to be released back into population a few hours later. Further causing yet another security risk. Also causing mental pain after physical pain for receiving disciplinary action against me. Because D.O.C. officials did not do there jobs

Respectfully submitter  
Joe B Martin  
208789



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~~Continued~~  
Witness Questions

- no. 1 Terry Bowling? were you in the Dining hall on or about March 27, 2007 at around 3:10 AM. having a conversation with Joe Martin. yes
- no. 2 Terry Bowling? Would you tell us what the conversation was about or who it was about. Thoy, nickies
- no. 3 Terry Bowling? Did Inmate Robert Hardy Sit Down at the table next to where you and Joe Martin was sitting. yes
- no. 4 Terry Bowling? At this time did Robert Hardy Say anything to Joe Martin, and what did He Say. stood up started Cussing
- no. 5 Terry Bowling? What did Joe Martin Say to Robert Hardy at this time. Said he wasn't Even Talking About Him
- no. 6 Terry Bowling? Did inmate Robert Hardy Stand up and throw a glass of juice and take a Swing and hit Joe Martin while Joe Martin was sitting down. yes
- no. 7 Terry Bowling? Would you say that Joe Martin tried to Stop this verbal abuse from being physical. yes
- no. 8 Terry Bowling? Would you say that Joe Martin was defending himself from bodily harm from Robert Hardy? yes
- no. 9 Terry Bowling? Where there any officers in the dining hall that you could See. NO
- no. 10 Terry Bowling? When the officers arrived where was Robert Hardy posed to Joe Martin. on top



063

- no. 11 Terry Bowling? Did Joe Martin comply with the officers commands. *yes*
- no. 12 Terry Bowling? Did Robert Hardy comply with the officers commands. *no*
- no. 13 Terry Bowling? Have you or were you present at any other time in the dining hall when Robert Hardy had verbally threatened Joe Martin. *yes*
- no. 14 Terry Bowling? Could you tell us about that incident and what it was about.
- no. 15 Terry Bowling? In your opinion did the latest incident have to do with the same thing as the last verbal attack. *yes*
- no. 16 Terry Bowling? Would you say its because Joe Martin had got Officer McQueen to put him out of his dorm about a week after Robert Hardy and another inmate attacked Joe Martin in his dorm
- no. 17 Terry Bowling? To the best of your knowledge would you say that Joe Martin has done everything he could do to avoid any contact with Robert Hardy. *yes*
- no. 1 Gerald Wright? Where you in the dining hall on or about March 27, 2007. at about 3:10 AM. *yes*
- no. 2 Gerald Wright? When this altercation took place did you see any officers in the dining hall.
- no. 3 Gerald Wright? When this altercation took place would you tell us what you seen take place. *young with*
- no. 4 Gerald Wright? When the officers arrived in the dining hall and gave the command to stop did *no* fighting. *no* Continued Next Page



1 of 3

- no. 1 Officer Washington? Were you in or near the dining hall on March 27, 2007. at about 3:10 A.M. yes
- no. 2 Officer Washington? Was you running the pill call on this particular morning. no
- no. 3 Officer Washington? Is it true that Joe Martin goes in to eat as a standing profile Inmate? yes
- no. 4 Officer Washington? Could you tell us Robert Hardy was in the chow hall with the diabetics and profiles. Aposed to his dorm. yes
- ~~no. 5~~ Officer Washington? If Inmate Robert Hardy was to be in the I.N.H. pill call line could you explain why he was in the Kitchen with diabadics and profile people.
- no. 6 Officer Washington? Were you aware of a verbal attack by Robert Hardy Back in February 2007. because Joe Martin had told you about it. no
- ~~no. 7~~ Officer Washington? Was anything done at that time as far as someone from 3rd Shift talking to Robert Hardy about this verbal attack
- ~~no. 8~~ Officer Washington? Did inmate Joe Martin ever discuss he had talked to LT. Copeland about future problems with Robert Hardy.
- no. 9 Officer Washington? Were you the first Office to get to the altercation between Joe Martin and Robert Hardy. yes
- no. 10 Officer Washington? When you got there when was Joe Martin aposed to Robert Hardy.
- Bottom

Continued Next Page



16F3

- no. 11 Officer Washington? Did you give a command to  
Stop this altercation. yes
- no. 12 Officer Washington? Did Robert Hardy Stop or  
did you have to threaten him with your paton. yes
- no. 13 Officer Washington? Did Joe Martin Stop what  
he was doing. yes
- no. 14 Officer Washington? In your opinion was  
Joe Martin fighting or was he trying to protect himself  
from Robert Hardy hitting him. yes
- no. 1 L.T. Pittman? Were you in the dinning hall on or  
about March 27, 2007. at 3:10 AM. NO
- no. 2 L.T. Pittman? Did you see the altercation between  
Joe Martin and Robert Hardy. Aftermath he ended yes
- no. 3 L.T. Pittman? If you wasn't present in the dining  
hall and didn't see this altercation. How is it you  
can be the arresting officer and on the officer  
that charged Joe Martin with Rule 35 fighting  
without a weapon if you didn't see this altercation
- ~~no. 4~~ L.T. Pittman? Did Joe Martin inform you that he  
had signed a living agreement with Robert Hardy  
and Robert Hardy had already verbally broke the  
agreement on another occasion.
- ~~no. 5~~ L.T. Pittman? Did Joe Martin tell you he had  
discussed this verbal attack with L.T. Copel  
and in that discussion that he would not fight  
Robert Hardy he would only defend himself.

Continued Next Page



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- NO. 6 L.T. Pittman? After Joe Martin told you this did you tell Joe Martin that you were going to go get Robert Hardy's jacket and if He had got a disiplinary for assault on a inmate Joe Martin that you was going to lock Robert Hardy up.
- NO. 7 L.T. Pittman? Did you go look at his jacket? and Did you lock him up.
- NO. 8 L.T. Pittman? Did Robert Hardy admit + physically starting this fight. NO
- NO. 9 L.T. Pittman? Did Joe Martin tell you he was only defending hisself until the Officers came to stop this attack on him. *myhane*
- NO. 10 L.T. Pittman? Could you tell us why after a living aggrement was signed. Then Broke twice once verbally once physically By Robert Hardy why is He allowed to have been took out of lock up only a few hours after being locked up, and to have free rain of this camp. when He is a physical threat to inmate Joe Martin.
- NO. 11 L.T. Pittman? Did you send Joe Martin and Robert Hardy unexcorted to eat breakfast after this altercation.
- NO. 12 L.T. Pittman? Did Joe Martin refuse and go back into your office.
- NO. 13 L.T. Pittman? Why do you think Joe Martin didn't want to eat with Robert Hardy.
- NO. 14 L.T. Pittman? would it be because Joe Martin doesn't want any contact with Robert Hardy because he's a ~~threat~~ threat to him.

CONTINUED NEXT PAGE



Continued

10F3

No. 15 L.T. Pittman? Did Joe Martin come to your Office before the 24 hour Service on this charge was up and tell you that L.T. Copeland had signed his signature to Joe Martin's copy of the charges to be a witness for Joe Martin, and requested L.T. Copeland to be present at my hearing and you denied his request,

No. 1 Sgt. Stanford? Did Joe Martin tell you he was only defending himself against the attack on him by Robert Hardy.

No. 2 Sgt. Stanford? Did you tell Joe Martin that defending himself was the same as Rule 35 from 403.

No. 3 Sgt. Stanford? Did you not also deny my request to have L.T. Copeland present at my hearing after I told you L.T. Copeland had signed his name to my charge paper.

No. 4 Sgt. Stanford? Did you also tell me that L.T. Copeland had nothing to say at my hearing that had any bearing on my guilt or innocence.

No. 5 Sgt. Stanford? How could you have any knowledge of what my witness L.T. Copeland could testify to when you haven't even discussed it with him.

No. 1 Robert Hardy? Were you and another inmate charged with assaulting a inmate Joe Martin on or about February 2, 2007 in B-Dorm.

Continued Next Page



STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

## INCIDENT REPORT

1. Institution: <b>Staton Correctional Facility</b>		2. Date: <b>02/02/2007</b>		3. Time: <b>11:45 a.m.</b>		4. Incident Number: <b>SCF-07- 0093</b>		Class Code: <b>C</b>	
5. Location Where Incident Occurred: <b>B-Dormitory</b>						6. Type of Incident: RULE VIOLATION (S) #31-Assault on Another Inmate/ #50-Being in an Unauthorized Area			
7. Time Incident Reported: <b>11:50 a.m.</b>						8. Who Received Report: <b>Sergeant Reosha Butler</b> <i>Sgt. Reosha Butler</i>			
9. Victims:									
a. <b>Joe Martin</b>		Name		No.		AIS			
b. _____				No.					
c. _____				No.					
10. Suspects:									
a. <b>Charles Simmons</b>		Name		No.		AIS			
b. <b>Robert Hardy</b>				No.		WM/176046			
c. _____				No.					
d. _____				No.					
e. _____				No.					
11. Witnesses:									
a. _____		Name		No.		AIS			
b. _____				No.					
c. _____				No.					
d. _____				No.					
e. _____				No.					

## PHYSICAL EVIDENCE:

12. Type of Evidence

N/A

13. Description of Evidence:

N/A

14. Chain of Evidence:

a. N/A

b. \_\_\_\_\_

c. \_\_\_\_\_

15. Narrative Summary:

On February 02, 2007, Officer Simon McNabb was assigned as Staton First Shift B-Dormitory Rover. At approximately 11:45 a.m., Inmate Joe Martin WM/ 208789, bleeding from his facial area around the mouth and nose, approached Officer McNabb at B-Dormitory's cubicle and stated to Officer McNabb that Inmate Martin had been physically assaulted by Inmates Charles Simmons BM/191397 and Robert Hardy WM/176046. Inmate Martin further stated that Inmates Simmons and Hardy commence to punch Inmate Martin in the head and face while Inmate Martin was laying on Inmate Martin's assigned bed asleep and as Inmate Martin awoken, Inmates Simmons and Hardy ran out of B-Dormitory's sleeping area. At approximately 11:50 a.m., Inmates Simmons and Hardy were escorted to Staton's Shift Commander's Office, where the incident was reported to First Shift Assistant Commander, Sergeant Reosha Butler. Inmates Simmons and Hardy were both questioned on what happened to Inmate Martin. During questioning, Inmates Simmons and Hardy admitted to Sgt. Butler that they (Simmons and Hardy) did physically assault Inmate Martin inside of B-Dormitory, while Inmate Martin was asleep because Inmate Martin had previously called Inmate Simmons a "bitch." Inmate Hardy also stated that Inmate Hardy's assigned sleeping area was actually D-Dormitory, Bay 3-Bed 15, and that Inmate Hardy assisted Inmate Simmons in assaulting Inmate Martin. Inmates Simmons and Hardy were verbally reprimanded on their cowardly misconduct and advised that disciplinary action for Rule Violation #31-Assault on Another Inmate and Rule Violation #50-Being in an Unauthorized Area was forthcoming. At approximately 11:55 a.m., Inmate Martin was escorted to Staton Health Care Unit for a body chart. See Attachment. At approximately 1:40 p.m., Officer Grayling Davis escorted Inmates Simmons and Hardy to Staton Health Care Unit for body charts. See Attachment(s). At approximately 1:50 p.m., Inmate Simmons was placed in Holding Cell #3B, pending disciplinary action for Rule Violation #31-Assault on Another Inmate and Inmate Hardy was placed in Holding Cell #2A, pending disciplinary action for Rule Violation #31-Assault on Another Inmate and Rule Violation #50-Being in an Unauthorized Area. Inmate Martin remains in Staton inmate population with no further action taken at this time.

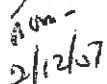
  
 Simon McNabb, Correctional Officer
Distribution: ORIGINAL AND ONE (1) COPY to Central I & I Division  
COPY to Institutional FileCOPY to Deputy Commissioner of Operations (Class A and B ONLY)  
COPY to Central Records Office

ADOC Form 302-A - June 1, 2005

EXHIBIT 1-E

  
 2/7/07

  
 2/5/07

  
 2/2/07



STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

BOB RILEY  
GOVERNOR

DONAL CAMPBELL  
COMMISSIONER

DATE: 2-2-2007

MEMORANDUM

TO : Capt. Edwards

FROM: W. Capeland

REF : Living Agreement

This is to acknowledge that I (we) have been orally reprimanded this date by W. Willie Capeland concerning our disagreement. By our signature(s) we relieved any and all Department of Corrections Officials of any liabilities and damages. We acknowledge that our problem (s) have been worked out an that we can live at this institution without violence existing between us. I (we) understand that, even though I (we) have signed this form, disciplinary action may still be taken against me (us). This statement is made of my (our) own free will without threats or promises from anyone.

#1 Joe Martin 2-2-07  
Inmate's Printed Name/ Date

#2 Robert Hardy 2-2-07  
Inmate's Printed Name/ Date

#1 Joe B Martin 208789  
Inmate's Signature / AIS#

#2 Robert Hardy 176046 2-2-07  
Inmate's Signature/ AIS#

#3 Charles Simmons 2-2-07  
Inmate's Printed Name/ Date

#4 \_\_\_\_\_  
Inmate's Printed Name/ Date

#3 Charles Simmons 191397  
Inmate's Signature/ AIS#

#4 \_\_\_\_\_  
Inmate's Signature/ AIS#

Sgt. [Signature] 2-2-07  
Witness Date





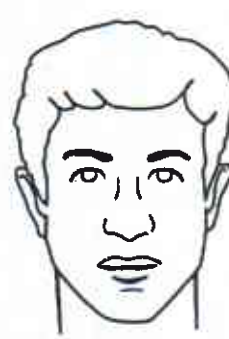
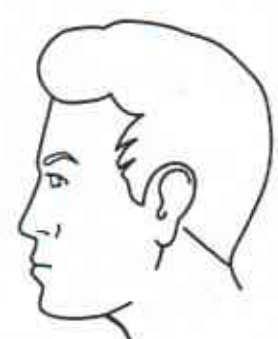
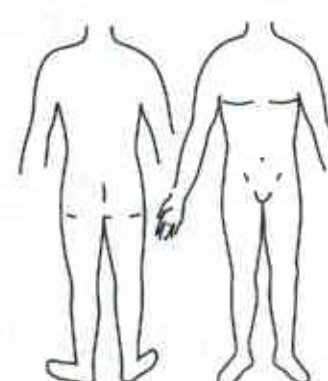
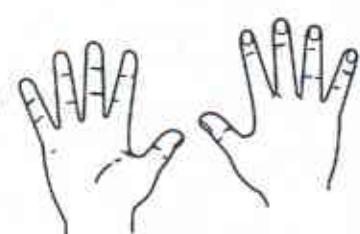
## EMERGENCY

ADMISSION DATE 6/12/07		TIME 11:40 AM	ORIGINATING FACILITY See		<input type="checkbox"/> SICK CALL <input checked="" type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT	
ALLERGIES			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA			
VITAL SIGNS: TEMP 99.7		ORAL RECTAL	RESP. 18	PULSE 90	B/P 120/78	RECHECK IF SYSTOLIC <100> 50
NATURE OF INJURY OR ILLNESS 2- Body Hurt Per Doc 2- Injuries to another inmate.			ABRASION ///    CONTUSION #    BURN xx xx    FRACTURE Z Z    LACERATION / SUTURES			
PHYSICAL EXAMINATION 1- Bruise noted on (D) side of nose - more like small laceration noted on bridge of nose + (D) side of chin  A - Patient in comfort						
			PROFILE RIGHT OR LEFT  RIGHT OR LEFT			
RETURN to HCU if problem occur			ORDERS / MEDICATIONS / IV FLUIDS 1- IV fluids running PO BID x 2 days			
			TIME    BY			
DIAGNOSIS						
INSTRUCTIONS TO PATIENT						
DISCHARGE DATE 6/12/07		TIME 11:50 AM	RELEASE / TRANSFERRED TO		CONDITION ON DISCHARGE <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL	
NURSE'S SIGNATURE J. Martin		DATE 6/12/07	PHYSICIAN'S SIGNATURE		CONSULTATION	
INMATE NAME (LAST, FIRST, MIDDLE) Martin, Joe			DOC# 208787	DOB 7/27/51	R/S W/h	FAC. See



PRISON  
HEALTH  
SERVICES  
INCORPORATED

# EMERGENCY

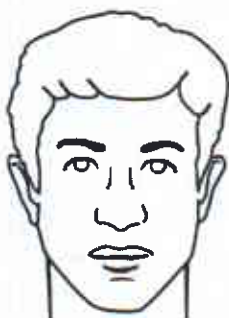

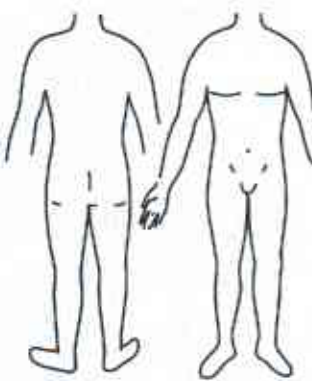
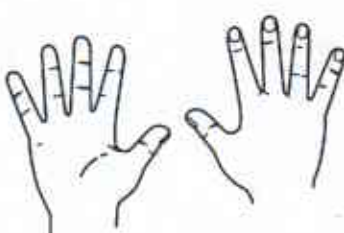
ADMISSION DATE <b>2/2/07</b>		TIME <b>1:40</b> AM <input checked="" type="radio"/> PM	ORIGINATING FACILITY <b>Station</b> <input type="checkbox"/> SIR <input type="checkbox"/> PDL <input type="checkbox"/> ESCAPEE <input type="checkbox"/>		<input type="checkbox"/> SICK CALL <input checked="" type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT																
ALLERGIES <b>NKDA</b>			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA																		
VITAL SIGNS: TEMP <b>98.6</b>		ORAL RECTAL	RESP. <b>18</b>	PULSE <b>86</b>	B/P <b>140/86</b>	RECHECK IF SYSTOLIC <100> 50															
NATURE OF INJURY OR ILLNESS <b>"I" in a fight - I was not hurt and have no injuries"</b>			<table border="1"> <tr> <td>ABRASION ///</td> <td>CONTUSION #</td> <td>BURN xx xx</td> <td>FRACTURE Z Z</td> <td>LACERATION / SUTURES</td> </tr> </table>				ABRASION ///	CONTUSION #	BURN xx xx	FRACTURE Z Z	LACERATION / SUTURES										
ABRASION ///	CONTUSION #	BURN xx xx	FRACTURE Z Z	LACERATION / SUTURES																	
PHYSICAL EXAMINATION <b>8) Wt 150 lbs, O2 sat 98%. A+O x3. Resp. &amp; Resp. &amp; monitored, 8 injuries noted, 15 WNL stands erect &amp; walks a steady gait</b>			  <p>PROFILE RIGHT OR LEFT</p>   <p>RIGHT OR LEFT</p>																		
			<table border="1"> <tr> <td>ORDERS / MEDICATIONS / IV FLUIDS</td> <td>TIME</td> <td>BY</td> </tr> <tr> <td><b>P) Release to officer</b></td> <td></td> <td></td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>				ORDERS / MEDICATIONS / IV FLUIDS	TIME	BY	<b>P) Release to officer</b>											
ORDERS / MEDICATIONS / IV FLUIDS	TIME	BY																			
<b>P) Release to officer</b>																					
DIAGNOSIS <b>A) Body chart per Doc</b>																					
INSTRUCTIONS TO PATIENT <b>Release to Doc</b>																					
DISCHARGE DATE <b>2/2/07</b>		TIME <b>1:45</b> AM <input checked="" type="radio"/> PM	RELEASE / TRANSFERRED TO <input checked="" type="checkbox"/> DOC <input checked="" type="checkbox"/> AMBULANCE <input type="checkbox"/>		CONDITION ON DISCHARGE <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL																
NURSE'S SIGNATURE <b>S. T. Du... 2-2-07</b>		DATE	PHYSICIAN'S SIGNATURE		CONSULTATION																
INMATE NAME (LAST, FIRST, MIDDLE) <b>Simmons, Charles</b>			DOC# <b>191397</b>	DOB <b>7-12-25</b>	R/S <b>B)</b>	FAC. <b>SCC</b>															





PRISON  
HEALTH  
SERVICES  
INCORPORATED

# EMERGENCY

ADMISSION DATE <b>2/2/07</b>		TIME <b>1:30</b> AM <input checked="" type="radio"/> PM	ORIGINATING FACILITY <b>Station</b>		<input type="checkbox"/> SICK CALL <input checked="" type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT		
ALLERGIES <b>NKDA</b>			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA				
VITAL SIGNS: TEMP <b>99.2</b>		RECTAL <input checked="" type="radio"/> ORAL	RESP. <b>20</b>	PULSE <b>78</b>	B/P <b>112/70</b>	RECHECK IF SYSTOLIC <100> 50	
NATURE OF INJURY OR ILLNESS <b>S) "Another inmate was punching me in the nose so I beat him up - I have no injuries"</b>			ABRASION ///	CONTUSION #	BURN xx xx	FRACTURE Z Z	LACERATION / SUTURES
			<div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">PROFILE RIGHT OR LEFT</p> <div style="display: flex; justify-content: space-around;">   </div> <p style="text-align: center;">RIGHT OR LEFT</p>				
PHYSICAL EXAMINATION <b>0) O2 sat 97%, wt 168 lbs, A+X3, Resp. 2, rose + monitored, no injuries noted, VS WNL, stands erect and walks + steady gait</b>			ORDERS / MEDICATIONS / IV FLUIDS				
			<b>P) Release to officer</b>				
DIAGNOSIS <b>A) Bruise Chest per DOC</b>							
INSTRUCTIONS TO PATIENT <b>Release to Doc</b>							
DISCHARGE DATE <b>2/2/07</b>		TIME <b>1:40</b> AM <input checked="" type="radio"/> PM	RELEASE / TRANSFERRED TO <input checked="" type="checkbox"/> DOC <input type="checkbox"/> AMBULANCE		CONDITION ON DISCHARGE <input checked="" type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL		
NURSE'S SIGNATURE <b>S. Taylor</b>		DATE <b>2-2-07</b>	PHYSICIAN'S SIGNATURE		CONSULTATION		
INMATE NAME (LAST, FIRST, MIDDLE) <b>Hardy, Robert</b>			DOC# <b>176046</b>	DOB <b>10-25-78</b>	R/S <b>W/in</b>	FAC. <b>SCC</b>	

## INSTITUTION:

INMATE Charles Simmons B/191397 DATE 2/3/07

- |                                                           |                                                                                        |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>1</u> 1. BIBLE (1)                                     | <u>1</u> 9. TENNIS SHOES - WHITE (1 pr.) <i>Reebok (white)</i>                         |
| <u>0+0</u> 2. STATIONARY/STAMPS                           | <u>1</u> 10. SHOWER SHOES (1 pr.) <i>Brown</i>                                         |
| <u>0+1</u> 3. PENCIL (1) <i>pen</i>                       | <u>0</u> 11. RELIGIOUS NECKLACE (1) - \$25.00 VALUE OR LESS                            |
| <u>6</u> 4. SOCKS - WHITE (6 pr.)                         | <u>2</u> 12. WALLET (1)                                                                |
| <u>5+7</u> 5. UNDERSHIRTS/UNDERWEAR - WHITE (6)           | <u>0</u> 13. WRIST WATCH (1) - \$25.00 VALUE OR LESS                                   |
| <u>0</u> 6. HANDKERCHIEFS (6)                             | <u>2</u> 14. WEDDING BAND (1) - \$50.00 VALUE OR LESS <i>PK-25</i>                     |
| <u>1</u> 7. TOILET ARTICLES - CLEAR, NON-GLASS CONTAINERS | <u>1</u> 15. <u>RADIO</u> - EARPHONES (1 ea.) - PURCHASED FROM CANTEEN                 |
| <u>0</u> 8. LEGAL PAPERS                                  | <u>1</u> 16. BOOKS (3) - RELIGIOUS, LEGAL OR EDUCATIONAL (APPROVAL BY WARDEN REQUIRED) |

**DECLARATION OF VALUE**

I UNDERSTAND THAT RELIGIOUS NECKLACES OR WRIST WATCHES VALUED AT MORE THAN \$25.00, AND WEDDING BANDS VALUED AT MORE THAN \$50.00 ARE UNAUTHORIZED AND MUST BE SENT HOME AT MY EXPENSE WITHIN THIRTY (30) DAYS OR IT WILL BE DONATED TO CHARITY OR DESTROYED. I HEREBY DECLARE THE VALUE OF MY PERSONAL PROPERTY TO BE:

RELIGIOUS NECKLACE \$ N/A WRIST WATCH \$ N/A WEDDING BAND \$ N/A

Charles Simmons  
(INMATE SIGNATURE)

\_\_\_\_\_  
(WITNESS)

**PROPERTY STORED IN THE RECEIVING AREA:**

YOU HAVE THIRTY (30) CALENDAR DAYS FROM THE ABOVE DATE TO DISPOSE OF THE FOLLOWING ITEMS. YOU MAY SEND THE BELOW ITEMS HOME BY VISITORS, MAIL THE ITEMS HOME AT YOUR EXPENSE, OR DONATE THE ITEMS TO CHARITY. IF THESE ITEMS ARE NOT REMOVED IN THIRTY (30) DAYS, THEY WILL BE DESTROYED. BELOW ARE THE ITEMS YOU ARE NOT AUTHORIZED TO KEEP.

- |                                      |                         |                        |
|--------------------------------------|-------------------------|------------------------|
| (1) <u>Thermal Top</u>               | (2) <u>Keys</u>         | (2) <u>TOOTH BRUSH</u> |
| (1) <u>JACKET</u>                    | (1) <u>LOCK</u>         | (1) <u>DRINK CUP</u>   |
| (1) <u>Thermal Top</u>               | (1) <u>NAIL CLIPPER</u> | (1) <u>RAZOR</u>       |
| (1) <u>SWEAT SUITS</u>               | (1) <u>TWISERS</u>      |                        |
| (2) <u>SHAKE BILT</u>                | (3) <u>SOCKS</u>        |                        |
| (2) <u>FACE TOWEL</u>                | (3) <u>DEODORANT</u>    |                        |
| (1) <u>BATH TOWEL</u>                | (1) <u>LOTION</u>       |                        |
| (1) <u>PK LOTTERIES AND PICTURES</u> | (12) <u>SHAMPOO</u>     |                        |

Charles Simmons 191397  
(INMATE SIGNATURE)

A. Wilson *COI*  
(WITNESS)

(See reverse side for instructions)



INSTITUTION: STATONINMATE ROBERT HAR'DY 176046DATE 2-2-07

- |                                                           |                                                                                        |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>1</u> 1. BIBLE (1)                                     | <u>   </u> 9. TENNIS SHOES - WHITE (1 pr.)                                             |
| <u>   </u> 2. STATIONARY/STAMPS                           | <u>1 pr</u> 10. SHOWER SHOES (1 pr.)                                                   |
| <u>1</u> 3. PENCIL (1)                                    | <u>   </u> 11. RELIGIOUS NECKLACE (1) - \$25.00 VALUE OR LESS                          |
| <u>5 PR.</u> 4. SOCKS - WHITE (6 pr.)                     | <u>   </u> 12. WALLET (1)                                                              |
| <u>6 PR.</u> 5. UNDERSHIRTS/UNDERWEAR - WHITE (6)         | <u>   </u> 13. WRIST WATCH (1) - \$25.00 VALUE OR LESS                                 |
| <u>   </u> 6. HANDKERCHIEFS (6)                           | <u>   </u> 14. WEDDING BAND (1) - \$50.00 VALUE OR LESS                                |
| <u>1</u> 7. TOILET ARTICLES - CLEAR, NON-GLASS CONTAINERS | <u>   </u> 15. RADIO — EARPHONES (1 ea.) - PURCHASED FROM CANTEEN                      |
| <u>YES</u> 8. LEGAL PAPERS                                | <u>3</u> 16. BOOKS (3) - RELIGIOUS, LEGAL OR EDUCATIONAL (APPROVAL BY WARDEN REQUIRED) |

**DECLARATION OF VALUE**

I UNDERSTAND THAT RELIGIOUS NECKLACES OR WRIST WATCHES VALUED AT MORE THAN \$25.00, AND WEDDING BANDS VALUED AT MORE THAN \$50.00 ARE UNAUTHORIZED AND MUST BE SENT HOME AT MY EXPENSE WITHIN THIRTY (30) DAYS OR IT WILL BE DONATED TO CHARITY OR DESTROYED. I HEREBY DECLARE THE VALUE OF MY PERSONAL PROPERTY TO BE:

RELIGIOUS NECKLACE \$            WRIST WATCH \$            WEDDING BAND \$           

(INMATE SIGNATURE)

(WITNESS)

**PROPERTY STORED IN THE RECEIVING AREA:**

YOU HAVE THIRTY (30) CALENDAR DAYS FROM THE ABOVE DATE TO DISPOSE OF THE FOLLOWING ITEMS. YOU MAY SEND THE BELOW ITEMS HOME BY VISITORS, MAIL THE ITEMS HOME AT YOUR EXPENSE, OR DONATE THE ITEMS TO CHARITY. IF THESE ITEMS ARE NOT REMOVED IN THIRTY (30) DAYS, THEY WILL BE DESTROYED. BELOW ARE THE ITEMS YOU ARE NOT AUTHORIZED TO KEEP.

<u>2 TOWELS</u>	<u>1 BOTTLE LUBRIDERM</u>
<u>1 FACECLOTH</u>	<u>2 BATTERIES</u>
<u>1 SWEATSUIT</u>	<u>1 BAG BUGLER</u>
<u>1 BAG CHEETOS</u>	
<u>1 BOX ENVELOPES</u>	
<u>1 BOX PICTURES</u>	
<u>1 BOTTLE HERBAL ESSENCE</u>	
<u>1 TUBE TOOTH PASTE</u>	

(INMATE SIGNATURE)

(WITNESS)

(See reverse side for instructions)

STATON CORRECTIONAL FACILITY  
INMATE DETENTION NOTIFICATION

FROM: Lt. Willie Copeland TEAM LEADER

TO: INMATE Robert Hardy AIS# 176046 DOB: 2/05/1972

REF: **ADMINISTRATIVE SEGREGATION**

You are placed in Administrative Segregation for:

Pending disciplinary action for violating Rule #31 Assault on Another Inmate.

Circumstances are as follows (be specific):

At approximately 11:30 a.m., Sgt. Butler conducted an investigation concerning allegations that Inmates Robert Hardy W/M 176046 and Charles Simmons B/M 191397 had been involved in assaulting Inmate Joe Martin W/M 208789 in B-Dormitory sleeping area. At approximately 11:50a.m., during the investigation Inmate Hardy admitted to Sgt. Butler, that he (Inmate Hardy) did assault Inmate Martin in B- Dormitory sleeping area on the above mentioned date. Inmate Hardy's actions places Inmate

This is authorized by Warden II Levan Thomas this 2nd day of February  
Your confinement in Segregation is for a period of not more than seventy-two (72) hours. Prior to 72 hours confinement, you will be released, served a PR (Progress Review), disciplinary notice or extended. Extensions must be authorized by the Assistant Warden for further investigation time when justified. The 72 hour confinement excludes weekends and holidays. You may also be confined in Segregation by order of I & I for investigation, criminal prosecution, etc.

While in Administrative Segregation, you will be seen by the Shift Supervisor, a nurse, and officer's daily. You will be seen by a medical doctor upon request from the nurse. You **will not** be permitted television (No exceptions) personal newspapers, books, or magazines. You will be given a verbal and written orientation concerning policy and procedures of the Segregation Unit at the time you enter the Unit. You will be provided a healthy environment and personal hygiene items (soap, towel, comb, toothbrush and face cloth). You are not allowed to keep personal items. Clothing and bedding will be issued by the Segregation Unit. Reading materials allowed are one (1) religious book, one (1) additional book or magazine from the Institutional Library and one (1) Alcohol Anonymous and/or Narcotic Anonymous book. You may receive one (1) visit per month by person(s) on your approved visiting list. Request for visits must be sent to the Assistant Warden. You will be permitted one (1) phone call per month by request to the Assistance Warden. Canteen privileges will be authorized on a limited basis. Your signature below indicates that you have collected and secured all of your property from population, and acknowledge receipt of the detention notice

INMATE SIGNATURE Robert Hardy AIS # 176046

DATE: 2/2/07 TIME: 2:33 P.m.

WITNESS: R. J. [Signature]

\* Inmate's property has been collected and placed into the custody of the Segregation Unit.



STATON CORRECTIONAL FACILITY  
INMATE DETENTION NOTIFICATION

FROM: Lt. Willie Copeland TEAM LEADER

TO: INMATE Charles Simmons AIS# B/M 191397 DOB: 07/12/1975

REF: **ADMINISTRATIVE SEGREGATION**

You are placed in Administrative Segregation for:

Pending disciplinary action for violating Rule #31 Assault on Another Inmate.

Circumstances are as follows (be specific):

At approximately 11:30 a.m., Sgt. Butler conducted an investigation concerning allegations that Inmates Robert Hardy W/M 176046 and Charles Simmons B/M 191397 had been involved in assaulting Inmate Joe Martin W/M 208789 in B-Dormitory sleeping area. At approximately 11:50a.m, during the investigation Inmate Hardy admitted to Sgt. Butler, that he (Inmate Hardy) did assault Inmate Martin in B- Dormitory sleeping area on the above mentioned date. Inmate Hardy's actions places Inmate

This is authorized by Warden II Levan Thomas this 2nd day of February  
Your confinement in Segregation is for a period of not more than seventy-two (72) hours. Prior to 72 hours confinement, you will be released, served a PR (Progress Review), disciplinary notice or extended. Extensions must be authorized by the Assistant Warden for further investigation time when justified. The 72 hour confinement excludes weekends and holidays. You may also be confined in Segregation by order of I & I for investigation, criminal prosecution, etc.  
While in Administrative Segregation, you will be seen by the Shift Supervisor, a nurse, and officer's daily. You will be seen by a medical doctor upon request from the nurse. You **will not** be permitted television (**No exceptions**) personal newspapers, books, or magazines. You will be given a verbal and written orientation concerning policy and procedures of the Segregation Unit at the time you enter the Unit. You will be provided a healthy environment and personal hygiene items (soap, towel, comb, toothbrush and face cloth). You are not allowed to keep personal items. Clothing and bedding will be issued by the Segregation Unit. Reading materials allowed are one (1) religious book, one (1) additional book or magazine from the Institutional Library and one (1) Alcohol Anonymous and/or Narcotic Anonymous book. You may receive one (1) visit per month by person(s) on your approved visiting list. Request for visits must be sent to the Assistant Warden. You will be permitted one (1) phone call per month by request to the Assistance Warden. Canteen privileges will be authorized on a limited basis. Your signature below indicates that you have collected and secured all of your property from population, and acknowledge receipt of the detention notice

INMATE SIGNATURE Charles Simmons AIS # 191397

DATE: 2/2/07 TIME: 2:33 P.M.

WITNESS: [Signature] CST

\* Inmate's property has been collected and placed into the custody of the Segregation Unit.

ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Robert Hardy Custody: Medium AIS: WM/176046
2. Facility: STATON CORRECTIONAL FACILITY
3. The above named inmate is being charged by Officer Simon McNabb with violation of rule number #50 specifically Being in an Unauthorized Area from regulation #403 which occurred on or about February 02, 2007 at (time) 11:45 (a.m.), Location: B-Dormitory. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On February 2, 2007 at approximately 11:45 a.m. Inmates Robert Hardy WM/176046 and Inmate Charles Simmons BM/191397, physically assaulted Inmate Joe Martin WM/208789, inside of B-Dormitory because Inmate Martin had called Inmate Simmons a "bitch" earlier. Inmate Hardy's assigned bed area is D-Dormitory Bay #3 Bed #15 and Inmate Hardy did not have permission to be in B-Dormitory. Therefore, Inmate Hardy is in violation of Rule Violation#50-Being in an Unauthorized Area.

Date

3/4/07

Arresting Officer / Signature / Rank

Simon McNabb CO

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 3<sup>rd</sup> day of February, 2007 at (time) 12<sup>th</sup> (am/pm).

Serving Officer / Signature / Rank

Robert Hardy

Inmate's Signature / AIS Number

Robert Hardy 176046

6. Witnesses desired? (NO) Robert Hardy

Inmate's Signature

YES

Inmate's Signature

7. If yes, list:

8. Hearing Date 2/04/2007 Time 12:18 p.m. Place Holding Cell #2-A

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (is) (is not) capable of representing himself.

Signature / Hearing Officer

Pamela Harris, CO II

11. Plea: \_\_\_\_\_ Not Guilty X Robert Hardy Guilty

176046

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Signature / Hearing Officer

Pamela Harris, CO II

Restriction End: 4/18/2007  
 old date: 3/19/2007  
30 days CSW

EXHIBIT 1-F



13. Arresting Officer's testimony (at the hearing): On February 2, 2007, at approximately 11:45 a.m., Inmate Robert Hardy W/176046, assaulted Inmate Joe Martin W/208789, inside B-Dormitory. Inmate Hardy's assigned bed area is D-Dormitory bay #3, bed #15. Inmate Hardy did not have permission to be in B-Dormitory.

14. Inmate's Testimony: I'm guilty.

Witness: None Submitted

Substance of Testimony: \_\_\_\_\_

Witness: N/A

Substance of Testimony: \_\_\_\_\_

Witness: N/A

Substance of Testimony: \_\_\_\_\_

15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

Patricia Harris, court  
Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. None Submitted

2. \_\_\_\_\_

3. \_\_\_\_\_

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
The Hearing Officer finds that: On February 2, 2007, at approximately 11:45 a.m., at Staton Correctional Facility, Inmate Robert Hardy W/176046, was inside B-Dormitory. Inmate Hardy's bed assignment is D-Dormitory bay #3, bed #15. Inmate Hardy did not have permission to be present inside B-Dormitory.
18. Basis for Finding of Fact: The Hearing Officer accepts and believe the arresting officer's sworn testimony to be the facts as related to this incident and accepts Inmate Hardy's guilty plea.
19. Hearing Officer's Decision: XX Guilty        Not Guilty
20. Recommendation of Hearing Officer: The Hearing Officer Recommends (30) days loss of Canteen, and Visitation.
- Pamela Harris, CO II  
Signature / Hearing Officer
- Pamela Harris, Correctional Officer II  
Typed Name and Title
21. Warden's Action – Date 2/5/2007  
Approved George Edwards, Capt  
Disapproved         
Other (specify)
22. Reason if more then 30 calendar days delay in action.

Pamela Harris, CO II

Signature / Hearing Officer

**Pamela Harris, Correctional Officer II**

Typed Name and Title

21. Warden's Action - Date 2/5/2007  
 Approved George Edwards, Capt  
 Disapproved \_\_\_\_\_  
 Other (specify) \_\_\_\_\_
22. Reason if more then 30 calendar days delay in action. \_\_\_\_\_
23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above  
 Named inmate on this the 25 day of FEBRUARY 2007 at (time) \_\_\_\_\_ (am/pm).  
St. Richard Jones, Col. Sgt. Robert Hardy 176046  
 Signature / Serving Officer / Title Inmate's Signature and AIS Number

ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Robert Hardy Custody: Medium AIS: WM/176046
2. Facility: STATON CORRECTIONAL FACILITY
3. The above named inmate is being charged by Officer Simon McNabb with violation of rule number #31 specifically Assault on Another Inmate from regulation #403 which occurred on or about February 02, 2007 at (time) 11:45 (a.m.), Location: B-Dormitory. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On February 2, 2007 at approximately 11:45 a.m. Inmate Robert Hardy WM/176046 and Inmate Charles Simmons BM/191397, physically assaulted Inmate Joe Martin W/208789, inside of B-Dormitory because Inmate Martin had called Inmate Simmons a "bitch" earlier. Both Inmates Hardy and Simmons admitted to assaulting Inmate Martin. Therefore, Inmate Hardy is in violation of Rule Violation# 31-Assault on Another Inmate.

Date

Arresting Officer / Signature / Rank

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 3<sup>rd</sup> day of February, 2007 at (time) 12<sup>th</sup> (am/pm).

Serving Officer / Signature / Rank

Inmate's Signature / AIS Number

6. Witnesses desired? NO

Inmate's Signature

YES

Inmate's Signature

7. If yes, list:

8. Hearing Date 2/04/2007 Time 12:15 p.m. Place Holding Cell #2-A

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (is) (is not) capable of representing himself.

Signature / Hearing Officer

11. Plea: Not Guilty

Not Guilty

Robert Hardy  
176046176046  
Guilty

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Signature / Hearing Officer

Restriction End: 3/19/2007  
45 days CSW

EXHIBIT 1-G



13. Arresting Officer's testimony (at the hearing): On February 2, 2007, at approximately 11:45 a.m., Inmate Robert Hardy W/176046 and Inmate Charles Simmons B/191397, physically assaulted Inmate Joe Martin W/208789, inside of B-Dormitory because Inmate Martin had called Inmate Simmons a "bitch" earlier. Both Inmates Hardy and Simmons admitted to assaulting Inmate Martin. Therefore, Inmate Hardy is in violation of Rule #31-Assault on Another Inmate.

14. Inmate's Testimony: Inmate Robert Hardy W/176046, entered a plea of guilty.

Witness: N/A

Substance of Testimony: \_\_\_\_\_

Witness: N/A

Substance of Testimony: \_\_\_\_\_

Witness: N/A

Substance of Testimony: \_\_\_\_\_

15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

Pamela Harris, CO II  
Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. N/A

2. \_\_\_\_\_

3. \_\_\_\_\_

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
 The Hearing Officer finds that: On February 2, 2007, at approximately 11:45 a.m., at Staton Correctional Facility, Inmate Robert Hardy W/176046, did willingly attempt or threaten to inflict injury upon Inmate Joe Martin W/208789, who is an inmate housed at Staton C.F., giving the victim reason to fear or expect bodily harm. The Hearing Officer further finds that the victim did sustain the following injuries that are reflected on the body chart, on the victim prepared by the Staton Health Care Unit. The Hearing Officer also finds that the assault was a
18. Basis for Finding of Fact: The finding is based on the testimony of Officer Simon McNabb, the arresting officer, who stated under oath that Inmate Robert Hardy W/176046, did assault Inmate Martin. Inmate Hardy willingly attempted to or threatened to inflict injury upon Inmate Martin. This finding is also supported by testimony from Officer Simon McNabb. The Hearing Officer did believe the testimony of Inmate Hardy when he entered a plea of
19. Hearing Officer's Decision: X Guilty        Not Guilty
20. Recommendation of Hearing Officer: (45) days loss of canteen and visiting privileges. (15) days of segregation with time served.

Pamela Harris, COIT

Signature / Hearing Officer

Pamela Harris, Correctional Sergeant

Typed Name and Title

21. Warden's Action – Date 2/5/2007  
 Approved George Edwards, Capt  
 Disapproved         
 Other (specify)

22. Reason if more then 30 calendar days delay in action.

23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above,  
 Named inmate on this the 22 day of February 2007 at (time) 5:41 (X am / pm).  
Sgt. Richard Jones I. Lee Sgt. Robert Hardy 176046  
 Signature / Serving Officer / Title Inmate's Signature and AIS Number



ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT (OPTIONAL)

Inmate Name /AIS Number Robert Hardy WM/176046 Incident Report No. SCF- 07-

Facility : STATON CORRECTIONAL FACILITY

CONTINUED ARRESTING OFFICER'S (AO) STATEMENT AND/OR QUESTION BY HEARING OFFICER (QBHO) TO ARRESTING OFFICER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTINUED INMATE'S STATEMENT AND/OR QUESTIONS BY HEARING OFFICER (QBHO) TO INMATE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTINUED WITNESS TESTIMONY (QBHO): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTINUED FINDINGS OF FACTS: result of Inmate Martin calling Inmate Simmons a "bitch" earlier. The  
Hearing Officer finds that any inmate who willingly attempts or threatens to inflict injury upon another inmate giving the  
victim reason to fear or expect immediate bodily harm is guilty of violating Rule #31, Assault on Another Inmate.  
Therefore, the Hearing Officer finds Inmate Robert Hardy W/176046 guilty of violation of Rule #31, Assault on Another  
Inmate.

CONTINUED BASIS FOR FINDING OF FACT: guilty.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Charles Simmons Custody: Medium AIS: BM/191397
2. Facility: STATON CORRECTIONAL FACILITY
3. The above named inmate is being charged by Officer Simon McNabb with violation of rule number #31 specifically Assault on Another Inmate from regulation #403 which occurred on or about February 02, 2007 at (time) 11:45 (a.m.), Location: B-Dormitory. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On February 2, 2007 at approximately 11:45 a.m. Inmate Charles Simmons BM/191397 and Inmate Robert Hardy WM/176046, physically assaulted Inmate Joe Martin W/208789, inside of B-Dormitory because Inmate Martin had called Inmate Simmons a "bitch" earlier. Both Inmates Simmons and Hardy admitted to assaulting Inmate Martin. Therefore, Inmate Simmons is in violation of Rule Violation# 31-Assault on Another Inmate.

Date

3 Feb 07

Arresting Officer / Signature / Rank

5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 3<sup>rd</sup> day of February, 2007 at (time) 12<sup>00</sup> (am/pm)

Serving Officer / Signature / Rank

Inmate's Signature / AIS Number

6. Witnesses desired? NO

Inmate's Signature

YES

Inmate's Signature

7. If yes, list:

8. Hearing Date 2/04/2007 Time 12:10 p.m. Place Holding Cell #3-A

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (is / is not) capable of representing himself.

Signature / Hearing Officer

11. Plea: Not Guilty X Charles Simmons 191397 Guilty

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Signature / Hearing Officer

Restriction End: 3/19/2007  
45 days c/w

EXHIBIT 1-H



13. Arresting Officer's testimony (at the hearing): On February 2, 2007, at approximately 11:45 a.m., Inmate Charles Simmons B/191397 and Inmate Robert Hardy W/176046, physically assaulted Inmate Joe Martin W/208789, inside of B-Dormitory because Inmate Martin had called Inmate Simmons a "bitch" earlier. Both Inmates Simmons and Hardy admitted to assaulting Inmate Martin. Therefore, Inmate Simmons is in violation of Rule #31-Assault on Another Inmate.

14. Inmate's Testimony: Inmate Charles Simmons B/191397, entered a plea of guilty.

Witness: N/A Substance of Testimony: \_\_\_\_\_

Witness: N/A Substance of Testimony: \_\_\_\_\_

Witness: N/A Substance of Testimony: \_\_\_\_\_

15. The inmate was allowed to submit written question to all witnesses. Copy of questions and answers are attached.

Phonela Harris, COU  
Signature / Hearing Officer

16. The following witnesses were not called - Reason not called

1. N/A

2. \_\_\_\_\_

3. \_\_\_\_\_

17. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)  
 The Hearing Officer finds that: On February 2, 2007, at approximately 11:45 a.m., at Staton Correctional Facility, Inmate Charles Simmons B/191397, did willingly attempt or threaten to inflict injury upon Inmate Joe Martin W/208789, who is an inmate housed at Staton C.F., giving the victim reason to fear or expect bodily harm. The Hearing Officer further finds that the victim did sustain the following injuries that are reflected on the body chart, on the victim prepared by the Staton Health Care Unit. The Hearing Officer also finds that the assault was a
18. Basis for Finding of Fact: The finding is based on the testimony of Officer Simon McNabb, the arresting officer, who stated under oath that Inmate Charles Simmons B/191397, did assault Inmate Martin. Inmate Simmons willingly attempted to or threatened to inflict injury upon Inmate Martin. This finding is also supported by testimony from Officer Simon McNabb. The Hearing Officer did believe the testimony of Inmate Simmons when he entered a
19. Hearing Officer's Decision: X Guilty        Not Guilty
20. Recommendation of Hearing Officer: (45) days loss of canteen and visiting privileges. (15) days of segregation with time served.

Pamela Harris, CO II

Signature / Hearing Officer

Pamela Harris, Correctional Sergeant

Typed Name and Title

21. Warden's Action – Date 2/5/2007  
 Approved George Edwards, Capt  
 Disapproved         
 Other (specify)

22. Reason if more then 30 calendar days delay in action.

23. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above  
 Named inmate on this the 22 day of February 2007 at (time) 5:45 (am / pm)  
Sgt. Richard Gouldt, Cor. Sgt. Refused to sign (Sgt. Richard Gouldt)  
 Signature / Serving Officer / Title Inmate's Signature and AIS Number



ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT (OPTIONAL)

Inmate Name /AIS Number Charles Simmons BM/191397 Incident Report No. SCF- 07-

Facility : STATON CORRECTIONAL FACILITY

CONTINUED ARRESTING OFFICER'S (AO) STATEMENT AND/OR QUESTION BY HEARING OFFICER (QBHO) TO ARRESTING OFFICER: \_\_\_\_\_

CONTINUED INMATE'S STATEMENT AND/OR QUESTIONS BY HEARING OFFICER (QBHO) TO INMATE: \_\_\_\_\_

CONTINUED WITNESS TESTIMONY (QBHO): \_\_\_\_\_

CONTINUED FINDINGS OF FACTS: result of Inmate Martin calling Inmate Simmons a "bitch" earlier. The  
Hearing Officer finds that any inmate who willingly attempts or threatens to inflict injury upon another inmate giving the  
victim reason to fear or expect immediate bodily harm is guilty of violating Rule #31, Assault on Another Inmate.  
Therefore, the Hearing Officer finds Inmate Charles Simmons B/191397 guilty of violation of Rule #31, Assault on  
Another Inmate.

CONTINUED BASIS FOR FINDING OF FACT: plea of guilty.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE BENOIT MARTIN, #208789,

Plaintiff,

v.

STATE OF ALABAMA DEPT OF  
CORRECTIONS, et.al.

Defendants.

CIVIL ACTION NO. 2:07-CV-335-MEF

**AFFIDAVIT**

**State of Alabama :**

**Elmore County :**

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Leon Forniss, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Leon Forniss. I am presently employed as a Correctional Warden III with the Alabama Department of Corrections at Staton Correctional Facility, P.O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and have personal knowledge of the facts set forth below.

I have reviewed the complaint of Inmate Joe Martin W/M #208789 and this is my response to his complaint.

In this civil action, Inmate Martin makes no specific allegations against me.

As Warden of Staton Correctional Facility, all incidents reports are reviewed by me or my designee.

**EXHIBIT** 2



On February 2, 2007, Inmate Joe B. Martin, WM #208789, was involved in a physical assault with Inmate Robert Hardy, W/M #176046 and Inmate Charles Simmons, B/M #191397 in B-Dormitory. The report indicate that Inmate Martin was assaulted by Inmate Simmons and Inmate Hardy while Inmate Martin slept. As a result of the assault Inmate Hardy and Inmate Simmons was placed in single cells pending further investigation of the incident and pending disciplinaries for Assault on Another Inmate. After further investigation of the incident, Inmate Martin, Inmate Hardy and Inmate Simmons did sign a Department of Corrections, Inmate Living Agreement. The living agreement enabled the inmates to return to population stating that they could live together in this institution without violence existing between them. This agreement further relieved the Department of Corrections Officials of any liabilities and damages.

On March 27, 2007, Inmate Joe Martin, W/M #208789, was involved in a physical altercation with Inmate Robert Hardy, W/M #176046, in the chow hall at the breakfast meal. Inmate Hardy was placed in a single cell pending further investigation of the incident. Inmate Martin was allowed to return to the same assigned bed in population. Inmate Hardy remained in a single cell pending an enemy validation on Inmate Martin and Inmate Hardy. Inmate Martin never expressed to any of the security staff that Inmate Martin feared for his life being in population with Inmate Hardy.

On April 25, 2007, Inmate Martin expressed to Correctional Lieutenant Willie Copeland that he feared bodily harm being in Staton's population. Inmate Joe Martin was placed in a single cell pending transfer to a safe institution where Inmate Martin did not fear for his life. Inmate Martin transferred from Staton Correctional Facility on April

27, 2007 to Kilby Correctional Facility, an institution more equipped with single cells than Staton.

To my knowledge, the above- related facts are the entirety of my involvement with Inmate Joe Martin concerning the allegations on which his complaint is based.

I deny that I have violated any well-established civil rights of Inmate Martin.

  
LEON FORNISS

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

  
NOTARY PUBLIC

12/06/2008  
My Commission Expires:

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE BENOIT MARTIN, #208789,

Plaintiff,

v.

STATE OF ALABAMA DEPT OF  
CORRECTIONS, et. al.

Defendants.

CIVIL ACTION NO. 2:07-CV-335-MEF

**AFFIDAVIT**

State of Alabama :

:

Elmore County :

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Edward Robinson, who being known to be and being by me first duly sworn, deposes and says on oath as follows:

My name is Edward Robinson. I am presently employed as a Correctional Captain with the Alabama Department of Corrections at Staton Correctional Facility, P. O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age.

I have reviewed the complaint of Inmate Joe Martin W/M #208789 and this is my response to his complaint.

In this civil action, Inmate Martin makes no specific allegations against me. In this civil action, Inmate Martin makes several complaints about being assaulted by Inmate Robert Hardy, W/M #176046.

My assignment at Staton Correctional Facility is Administrative Captain, primarily responsible for administrative and security matters at Staton. My only



involvement with this particular incident is that I signed as one of the reviewer of the report upon completion of the February 2, 2007, incident report that was submitted. My involvement with the March 27, 2007, report is that I was the approving authority.

I have not received any complaints from Inmate Joe Martin being in fear of bodily harm from Inmate Robert Hardy.

To my knowledge, the above-related facts are the entirety of my involvement with Inmate Martin concerning the allegations on which his complaint is based. I deny that I have violation any well-established constitutional rights of Inmate Martin.

Edward Robinson  
EDWARD ROBINSON

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

Annie Lattimore  
NOTARY PUBLIC  
12/06/2008  
My Commission Expires

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE MARTIN, #2087895	)	
	)	
Plaintiff,	)	
	)	
V.	)	CIVIL ACTION NO. 2:07-CV-335-MEF
	)	
STATE OF ALABAMA DEPT OF	)	
CORRECTIONS, et al.,	)	
	)	
Defendants.	)	

**AFFIDAVIT**

**State of Alabama** :

**Elmore County** :

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Willie Copeland, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Willie Copeland. I am presently employed as a Correctional Officer Supervisor I with the Alabama Department of Corrections at Staton Correctional Facility, P.O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and have personal knowledge of the facts set forth below.

I have reviewed the complaint of Inmate Joe Martin and this is my response to his complaint.

In this civil action, Inmate Joe Martin, W/M #208789 alleges that he reported on several occasions to different supervisors that he feared for his safety in this institution from Inmate Robert Hardy. Inmate Hardy was placed in a single cell after both physical

**EXHIBIT** 4

altercations occurred with Inmate Martin. In the February 2, 2007 incident, all procedures in accordance to ALDOC Administrative Regulations was followed. At the conclusion of the investigation of the incident involving Inmate Martin, Inmate Hardy and Inmate Simmons, corrective measures was taken to assure that the incident was contained. Inmate Robert Hardy and Inmate Charles Simmons was both placed in single cells as it was determined that they assaulted Inmate Martin while Inmate Martin slept.

Inmate Hardy, Inmate Martin, and Inmate Simmons were allowed to sign an Inmate Living Agreement without threats or coercion. Inmate Living Agreements are tools used in conflict resolution on an institutional level. In the Living Agreement it specifically outline that when an inmate signs the agreement it relieves any and all Department of Corrections Officials of any liabilities and damages.

To my knowledge, the above-related facts are the entirety of my involvement with Inmate Martin concerning the allegations on which his complaint is based.

I deny that I have violated any well-established civil rights of Inmate Martin.

*Willie Copeland*

WILLIE COPELAND

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

*Annie Latimore*

NOTARY PUBLIC

12/06/2008

My Commission Expires:





IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE BENOIT MARTIN, #208789

Plaintiff,

v.

STATE OF ALABAMA DEPT OF  
CORRECTIONS, et. al.

Defendants.

CIVIL ACTION NO. 2:07-CV-335-MEF

**AFFIDAVIT**

**State of Alabama** :

**Elmore County** :

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Billy Pittman, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Billy Pittman. I am presently employed as a Correctional Lieutenant with the Alabama Department of Corrections at Staton Correctional Facility, P.O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and have personal knowledge of the facts set forth below.

I have reviewed the complaint of Inmate Joe Martin, W/M #208789 and this is my response to his complaint.

In this civil action, Inmate Joe Martin alleges that he reported on several occasions to different supervisors that he feared for his safety in this institution from Inmate Robert Hardy. Inmate Hardy was placed in a single cell after the physical

altercation with Inmate Martin. In the March 27, 2007, incident which occurred on Third Shift, I was the investigating and arresting Officer. Third Shift is the shift that I am assigned as the Correctional Lieutenant in charge. Inmate Robert Hardy, W/M #176046 and Inmate Joe Martin, W/M #208789 were charge with Fighting Without a Weapon.

Inmate Martin alleges that Correctional Lieutenant Billy Pittman showed deliberate indifference toward Inmate Martin's safety. Lieutenant Pittman was the senior supervisor on duty and exercised the best judgment within his realm of duty in accordance to ALDOC Administrative Regulations.

To my knowledge, the above-related facts are the entirety of my involvement with Inmate Martin concerning the allegations on which his complaint is based.

I deny that I have violated any well-establishes civil rights of Inmate Martin.

Billy Pittman  
BILLY PITTMAN

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

Amie Latimore  
NOTARY PUBLIC

12/06/2008  
My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JOE MARTIN #205439

Plaintiff,

v.

STATE OF ALABAMA DEPT OF  
CORRECTIONS. et. al.

Defendants.

CIVIL ACTION NO.2:06-CV-335-MEF

**AFFIDAVIT**

**State of Alabama :**

**Elmore County :**

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Marcus Sanford, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Marcus Sanford. I am presently employed as a Correctional Sergeant with the Alabama Department of Corrections at Staton Correctional Facility, P.O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and have personal knowledge of the facts set forth below.

I have reviewed the complaint of Inmate Joe Martin W/M #205439 and this is my response to his complaint.

In this civil action, Inmate Martin makes no specific allegations against me.

In this civil action, Inmate Joe Martin alleges that he reported on several occasions to different supervisors that he feared for his safety in this institution from


**EXHIBIT** 6



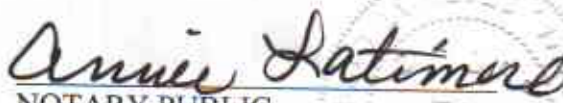
Inmate Robert Hardy. Inmate Hardy was placed in a single cell following the physical altercation between Inmate Hardy and Inmate Martin. In my scope of performing my duties I completed the INMATE DETENTION NOTIFICATION placing Inmate Hardy in a single cell. I served as the Hearing Officer when the disciplinary was being held on Inmate Joe Martin. The finding of the disciplinary on Inmate Martin was a "Not Guilty" decision.

To my knowledge, the above- related facts are the entirety of my involvement with Inmate Joe Martin concerning the allegations on which his complaint is based.

I deny that I have violated any well-established civil rights of Inmate Martin.

  
MARCUS SANFORD

SWORN TO and SUBSCRIBED before me this 22 day of May 2007.

  
NOTARY PUBLIC  
12/06/2008  
My Commission Expires: